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**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION AGENDA**

**Thursday, February 5, 2015**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on **Thursday, February 5, 2015**, beginning at **1:30 PM** in the Planning Department Conference Room City Hall - 10<sup>th</sup> Floor, 455 N. Main Street, Wichita, Kansas. **If you have any questions regarding the meeting or items on this agenda, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 316.268.4421.**

1. Approval of the prior MAPC meeting minutes:

*Meeting Date: January 8, 2015*

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

**Items may be taken in one motion unless there are questions or comments.**

3. **PUBLIC HEARING – VACATION ITEMS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

**Items may be taken in one motion unless there are questions or comments.**

*Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department – 10<sup>th</sup> Floor, City Hall, 455 N. Main Street, Wichita, Kansas*

- 3-1. **VAC2014-00052: County request to vacate a portion of platted public street right-of-way**, generally described as a portion of 3rd Street located between the Railroad right-of-way and North Avenue F in Furley.

*Committee Action:      APPROVED 3-0*

**PUBLIC HEARINGS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 PM**

4. Case No.:                    ZON2014-00033  
Request:                      City Zone change from SF-5 Single-family Residential to TF-3 Two-family Residential on property.  
General Location:        South of Central Avenue, east of Ridge Road, west of Wayside Lane, on the south side of Newell Street.  
Presenting Planner:      Bill Longnecker

**NON-PUBLIC HEARING ITEMS**

5. Case No.:                    DER2015-00002  
Request:                      Proposed Amendments to the "U" University Zoning District.  
General Location:        City  
Presenting Planner:      Scott Knebel
6. Case No.:                    DER2015-00003  
Request:                      The City of Garden Plain seeks Unilateral Annexation of various tracts located adjacent to the City of Garden Plain - Resolution No. 151.  
General Location:        Garden Plain  
Presenting Planner:      Dave Barber

7. Case No.: Conformity of the Project Area 1 Plan for the Union Station  
Redevelopment District with the Wichita-Sedgwick County  
Comprehensive Plan.  
General Location: City  
Presenting Planner: Dave Barber

8. Other Matters/Adjournment

**John L. Schlegel, Secretary**  
**Wichita-Sedgwick County Metropolitan Area Planning Commission**

**WICHITA-SEDGWICK COUNTY**  
**METROPOLITAN AREA PLANNING COMMISSION**

**MINUTES**

**January 8, 2015**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 8, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair; Carol Neugent, Vice Chair; David Dennis; Bill Johnson; Don Klausmeyer; John McKay Jr.; M.S. Mitchell; Debra Miller Stevens and Chuck Warren. David Foster; Joe Johnson; Bill Ramsey; Don Sherman and George Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the prior MAPC meeting minutes.

**MOTION:** To approve the December 18, 2014 meeting minutes.

**DENNIS** moved, **MCKAY** seconded the motion, and it carried (7-0-2). **MITCHELL** and **NEUGENT** – Abstained.

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2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB2014-00039: Final Plat – JBAR ADDITION**, located south of 13th Street North, east of Hoover.

**NOTE:** This is a replat of a portion of the R.A. Morris Tracts Addition. The site has been approved for a zone change (ZON2014-00018) from SF-5 Single-family Residential to TF-3 Two-family Residential along with a Protective Overlay (PO #290) addressing setbacks and density.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department requests the applicant extend water (distribution) and extend sanitary sewer (laterals).
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. As requested, the applicant has platted a contingent dedication of the east 30 feet of the plat for Doris street right-of-way within Reserve B.
- D. City Stormwater Management has approved the drainage plan. A guarantee is needed for drainage improvements.
- E. The Applicant shall guarantee the paving of the internal street (Curtis Court). Paving of Curtis Street north to Hoover is recommended.

- F. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a restrictive covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The Note regarding the Protective Overlay should be corrected to reference "Protective Overlay #290". A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- I. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- J. GIS has approved the street name.
- K. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- L. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- M. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- P. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery

without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.

- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Heide Bryan is the Westar Energy contact for this plat and she can be reached at 261-6554 with any questions.
- U. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**NEUGENT** moved, **B. JOHNSON** seconded the motion, and it carried (9-0).

2-2. **SUB2014-00040: One-Step Final Plat – SOLIS ADDITION**, located North of 29th Street North, East of Hood.

**NOTE:** This is an unplatted site located within the City of Wichita.

**STAFF COMMENTS:**

- A. City of Wichita Public Works and Utilities Department advises that water and sewer services are available to serve Lots 1, 2 and 3. A 20-foot utility easement is needed for the existing sanitary sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.

- C. City Stormwater Management has approved the applicant's drainage plan. A drainage easement/reserve was required in the rear of the lots.
- D. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- E. The Applicant is reminded that an updated platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- F. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulation for each lot. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. The applicant shall send a report to County Surveying regarding the boundary and distances shown. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- H. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- J. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- K. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- L. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge

Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

M. Perimeter closure computations shall be submitted with the final plat tracing.

N. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.

O. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

NEUGENT moved, B. JOHNSON seconded the motion, and it carried (9-0).

2-3. **SUB2014-00042: One-Step Final Plat – J.R. SANDLIAN ADDITION**, located north of 29th Street North, on the west side of Hoover Road.

**NOTE:** The unplatted site has been approved for a zone change (ZON2014-00003) from SF-5 Single-family Residential and LC Limited Commercial to LI Limited Industrial. A conditional use (CON2014-00011) has been approved for a wrecking and salvage yard.

**STAFF COMMENTS:**

- A. The applicant shall contact City of Wichita Environmental Health to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage. A memorandum shall be obtained specifying approval. A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available.
- B. City of Wichita Public Works and Utilities Department advises that sanitary sewer is not available. The applicant needs to extend water (transmission and distribution) to serve the site. A No Protest Agreement for future sewer extension is requested.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the applicant's drainage plan.
- E. Traffic Engineering/County Public Works has approved the access controls. The plat proposes one opening along Hoover Road.

- F. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. County Surveying advises the reference to the southwest corner of the southeast quarter of the southeast quarter of Section 34 needs removed. That point should be labeled as being 1145 feet west of the southeast corner of the southeast quarter of said Section 34.
- H. County Surveying advises the reference to the Northwest Corner of the Southeast Quarter of the Southeast Quarter of Section 34 needs removed, that point should be labeled as being 1145 feet west of the east line and on the north line of the southeast quarter of the southeast quarter of said Section 34.
- I. County Surveying would like to be contacted regarding the survey data shown along the east section line.
- J. County Surveying would like to be contacted regarding access along the north line to Hoover. Right-of-access may exist if the platlor would like to have access for ingress-egress.
- K. County Surveying advises power poles need to be located, north and south, along the Kansas Gas and Electric easement line recorded in Misc. Book 282, Page 262, recorded in 1951.
- L. County Surveying recommends all Kansas Gas and Electric easements that were recorded by separate instrument, Misc. Book 282, Page 262 and Misc. Book 574, Page 239 be vacated and replatted by virtue of K.S.A. 12-512b, as amended. The new easements should follow the lines as installed, dimensioned and located on the final plat.
- M. County Surveying advises the Surveyor's Certificate should include: Existing public easements, dedications and easements granted to Kansas Gas and Electric recorded in Misc. Book 282, Page 262 and Misc. Book 574, Page 239 are hereby vacated and replatted by virtue of K.S.A. 12-512b, as amended.
- N. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- O. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).

- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Westar Energy advises they currently have service on these lots. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Marsha Jesse is the Construction Services Representative for the northwest area and can be contacted at (316) 261-6734.
- W. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**NEUGENT** moved, **B. JOHNSON** seconded the motion, and it carried (9-0).

- 2-4. **SUB2014-00043: One-Step Final Plat – LANGE 3RD ADDITION**, located on the east side of West Street, South of MacArthur Road.

**NOTE:** A portion of this site is located in the County adjoining Wichita's boundaries and annexation is required. This is a replat of Meek 1<sup>st</sup> Addition and Lange 2<sup>nd</sup> Addition. The site has been approved for a zone change (PUD2014-00002, PUD #43) from SF-20 Single-Family Residential and LI Limited Industrial to PUD Planned Unit Development.

**STAFF COMMENTS:**

- A. As a portion of this site is adjacent to Wichita's municipal boundaries, the Applicant shall submit a request for annexation. The final plat shall not be scheduled for City Council review until annexation has occurred.
- B. City of Wichita Public Works and Utilities Department advises that water and sewer is available from West Street to serve Buildings A, B and D. The applicant needs to extend water (distribution) and sewer (laterals) to provide water and fire protection to Buildings C, F and E. The main benefit sewer in-lieu-of-assessment fees are due. The transmission water in-lieu-of-assessment fees are due.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the applicant's drainage plan.
- E. Traffic Engineering has approved the access controls. The plat proposes three access openings along West Street in conformance with the PUD site plan.
- F. The term "Miscellaneous Storage" included in Reserve A should be replaced with "Outdoor Storage". Provisions shall be made for ownership and maintenance of the proposed reserve. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The applicant is advised of additional setbacks along the north, south and east property lines established by the PUD.
- I. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineers (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- J. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed

information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.

- K. Approval of this plat will require a waiver of the lot depth-to-width ratio of the Subdivision Regulations. The Subdivision Regulations state that the maximum depth of all non-residential lots shall not exceed three times the width. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations as it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- L. County Surveying and MAPD request review of a pdf prior to mylar submittal. Send to [tricia.robello@sedgwick.gov](mailto:tricia.robello@sedgwick.gov) and [nstrahl@wichita.gov](mailto:nstrahl@wichita.gov).
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- P. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.

- T. Westar Energy advises they currently have service on these lots. Any relocation or removal of any existing equipment made necessary by this plat will be at the applicant's expense. Lee Sailsbury is the Construction Services Representative for the southwest and can be contacted at (316) 261-6859
- U. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: [kwilson@wichita.gov](mailto:kwilson@wichita.gov)).

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

NEUGENT moved, B. JOHNSON seconded the motion, and it carried (9-0).

**3. PUBLIC HEARING – VACATION ITEMS**

- 3-1. **VAC2014-00048: County request to vacate a portion of platted access control on properties**, generally located west of 159th Street East, south of 53rd Street North, on both sides of Stone Post Street.

**APPLICANT/AGENT:**

Lee Builder's, c/o Steve Lee (owner) Ruggles and Bohm, c/o Will Clevenger (agent)

**LEGAL DESCRIPTION:**

Generally described as vacating the south 75 feet of the platted 150 feet of access control located on the north 150 feet of Lot 1, Block 1, & Lot 1, Block 2, all in the Stone Post Farm Addition's Stone Post Street frontage, Sedgwick County, Kansas.

**LOCATION:**

Generally located west of 159th Street East, south of 53rd Street North, on both sides of Stone Post Street (BoCC #1 )

**REASON FOR REQUEST:**

Greater flexibility in the placement of the residences and the drives on the undeveloped lots

**CURRENT ZONING:**

The site and all abutting adjacent properties are zoned RR Rural Residential.

The applicant proposes to vacate the south 75 feet of the platted 150 feet of access control located on the north 150 feet of the undeveloped Lot 1, Block 1, & Lot 1, Block 2, all in the Stone Post Farm Addition's Stone Post Street frontage. Lot 1, Block 1, is platted with 235 feet of frontage on Stone Post Street. Lot 1, Block 2, is platted with 250 feet of frontage on Stone Post Street. Stone Post Street is a local sand and gravel residential street. The two subject corner lots are located directly across from each other. Neither lot has access onto 53<sup>rd</sup> Street North, a sand and gravel Payne Township road. The proposed vacation would allow the drives to be located within 75 feet of the 53<sup>rd</sup> Street North – Stone Post Street intersection. The site is located in Butler County Rural Water District #5. The Stone Post Farm Addition was recorded with the Register of Deeds March 10, 2004.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of platted complete access control.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time December 18, 2014, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portions of the platted access control and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate that portion platted access control along the sites' Stone Post frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto Stone Post Street.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion platted access control along the sites' Stone Post frontage, as approved by County Public Works. Provide Planning Staff with a legal description of the approved vacated portion of the platted access control on a Word document, via e-mail, to be used on the Vacation Order and Vacation Petition. All Provide to Planning prior to the case going to the BoCC for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense.
- (3) All improvements shall be according to County Standards and at the applicant's expense, including all required County plans, permits, inspections and the construction of the drive onto Stone Post Street.
- (4) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**B. JOHNSON** moved, **MITCHELL** seconded the motion, and it carried (9-0).

- 3-2. **VAC2014-00049: City request to vacate a platted sanitary sewer easement on property, generally located between 2nd Street and St Louis Avenue on the east side of West Street (410 N. West Street)**

**OWNER/AGENT:** Harris 3 LLC (owner) Bruce Harris c/o A-OK Enterprises LLC (applicant) Baughman Co. PA, c/o Phil Meyer (agent)

**LEGAL DESCRIPTION:** Generally described as vacating the platted 55-foot (x) 20-foot wide sanitary sewer easement located in the northeast corner of Lot 1, George's West Addition, Sedgwick County, Kansas.

**LOCATION:** Generally located between 2nd Street and St Louis Avenue on the east side of West Street (410 N. West Street - WCC #VI)

**REASON FOR REQUEST:** Additional room to build

**CURRENT ZONING:** The site and the abutting and adjacent southern, northern and western properties are zoned LC Limited Commercial. Abutting western properties are zoned LC and SF-5 Single-Family Residential.

The applicants propose to vacate the platted 55-foot (x) 20-foot wide sanitary sewer easement located in the northeast corner of Lot 1, George's West Addition. There is a sewer line and manholes located in

the subject easement. Marsha Jesse is the Westar Construction Services Representative for the northwest area and can be contacted at (316) 261-6734. The George's West Addition was recorded with the Register of Deeds August May 16, 1994.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Traffic, Public Works/Water & Sewer/Stormwater, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described platted sanitary sewer easement.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time December 18, 2014, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portions of the platted sanitary sewer easement and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) of the public sewer line and sewer manhole made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved PPS plan number for the abandonment /relocation of public sewer line and sewer manholes. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Abandonment or relocation/reconstruction of any/all utilities, including (but not limited to) of the public sewer line and sewer manhole made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicant. As needed provide an approved PPS plan number for the abandonment /relocation of public sewer line and sewer manholes. All to be provided to the Planning Department prior to this case going to City Council for final action.
- (2) Provide to Planning any needed easements, with original signatures, for relocated utilities, including sewer, prior to this case going to City Council for final action and subsequent recording with the Vacation Order at the register of Deeds.
- (3) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**B. JOHNSON** moved, **MITCHELL** seconded the motion, and it carried (9-0).

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**PUBLIC HEARINGS**

4. **Case No.: ZON2014 00031** - Stratford Apts. East & West, LLC (Robert G. Hanson) / Baughman Company, P.A. (Russ Ewy) request a City zone change from B Multi-family Residential to LC Limited Commercial with a Protective Overlay on property described as:

Lot 1, Rockwood Reserve A Addition to Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The applicant is seeking to rezone the northwest corner of North Rock Road and East Douglas Avenue (7802 East Douglas Avenue) from the B Multi-Family Residential (B) district to the Limited Commercial (LC) district. The site contains 3.74 acres that were developed with a 104-unit apartment complex built sometime shortly after 1968. If the request is approved the applicant intends to redevelop the site to permit a wider range of uses than just residential uses. (See item A below for the proposed list of allowed uses.) The site has three access points; two on East Douglas Avenue and one on North Rock Road. On Douglas Avenue platted access control allows two driveways to be located 150 feet west of Rock Road. On Rock Road platted access control allows two driveways to be located 150 feet north of Douglas Avenue. A six-foot tall wood fence is located along the southwest, west and north property line. A masonry fence is located along the east property line that abuts Rock Road, and along a 10 to 15-foot segment of East Douglas Avenue located just west of Rock Road. The property is platted as Rockwood Reserve 'A' Addition. A platted eight-foot wide utility easement is located along the southwest, west and north property boundary. A 30-foot wide Continental Pipeline easement is located along Rock Road.

The applicant is offering the following development standards (Unified Zoning Code (UZC) comparisons and staff recommendations and comments are provided in italics, underlined or struck-through):

- A. Uses permitted shall be limited to the following “LC” Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, convenience store, general office, personal care service, personal improvement service, restaurant and general retail provided the restaurant does not exceed 8,000 square feet in size. The following uses are specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material. *The LC district permits by right 56 retail, commercial, office and residential uses. Drive-thru restaurant and convenience store should be prohibited given the small size of the site, and the close proximity of single-family and two-family uses. Drive-thru restaurants and convenience stores have the capacity to generate increased levels of noise due to order boards and gas pump speakers and significant amounts of debris and litter.*
- B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay. *The requirements of the Landscape Ordinance are triggered when redevelopment costs exceed 50 percent of the site’s appraised value or when new parking spaces are installed. The requirements of the Landscape Ordinance are divided between three areas. A minimum amount of landscaping (landscaped street yard) is required to be installed in front of the front façade of the buildings. A landscape buffer of one tree per 40 feet is required where nonresidential uses abut residential uses. Parking spaces located within 150 feet of a street are required to be screened with plants that will ultimately be three feet tall.*
- C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials. *Required by the Landscape Ordinance.*
- D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. *The proposed masonry wall exceeds the screening typically required by just a zone change. The proposed screening wall will have to be located outside of the utility easement located along the north, west and southwest property lines. Occupancy permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.*
- E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residentially-zoned properties. *The UZC requires light poles located within 200 feet of residential uses to be not taller than 15 feet, including base, and requires light fixtures to keep light from trespassing onto abutting property.*
- F. Building setbacks shall be a minimum of 15 feet along the north, 50 feet along the west and southwest property lines, and 35 feet along the arterial frontages. *Basic building setbacks in the LC district are: front (south property line)-20 feet; rear (north property line)-10 feet; interior side (west property line)-zero or five feet; street side (east property line)-10 feet; however, compatibility setbacks for a site as*

*large as the subject tract, which overrides base zoning district minimums, require 25-foot building setbacks along interior side (west) and rear (north) yards adjacent to single-family or two-family zoning. The applicant's proposed 15-foot setback along the north property line should be 25 feet.*

G. Maximum building height is limited to 35 feet. *The LC district permits building heights up to 80 feet by right and taller buildings with greater than minimum building setbacks. Without the proposed height limitation, UZC compatibility height standards would allow buildings located over 50 feet from the north and west property line to increase in height above 35 feet at the ratio of one foot in height for each additional three feet of setback over 50 feet.*

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade. *Complies with UZC requirements.*

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned properties are prohibited. Signs shall be monument type, as permitted by the sign code in the "LC" zoning district. *The LC district allows signs to be up to 25 feet in height, and up to 35 feet if the maximum number of signs allowed are not installed. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.*

J. All utilities will be located underground.

K. Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards. No order boards are permitted in setbacks. *Staff recommends no drive-thru restaurants be allowed, which would eliminate the need for order boards.*

L. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

M. A site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits. The site plan shall ensure internal circulation within the parcel(s). In the event there is a full turning movement drive to Rock Road, the applicant shall provide a guarantee for the construction of a raised median within Rock Road. *The traffic engineer will support a full movement driveway in the northern segment of the Rock Road frontage and right-in/right-out drive with a raised median in the southern segment of the Rock Road frontage.*

Properties located to the north and west of the application area are overwhelmingly zoned Single-Family Residential (SF-5) and developed with single-family residences. There is one ownership abutting the north property line of the application area that is zoned Two-Family Residential (TF-3) and developed with a duplex. Properties located east, across Rock Road, are zoned B and LC, and are developed with an apartment complex and retail and office uses. Land located south of the subject site, across Douglas Avenue, is zoned LC subject to the development standards contained in Community Unit Plan DP-12, and is developed with Towne East Mall, a regional shopping center.

If 30 percent of the site were developed with 48,874 square feet of retail sales the site could generate an estimated average daily traffic volume of 2,052 trips. During peak hours, a convenience store can generate 79 to 97 average daily vehicle trips per 1,000 square feet. Using the previously noted traffic generation rates, a 5,800 square-foot convenience store could generate 458 to 562 average daily vehicle trips during the peak hour.

**CASE HISTORY:** Rockwood Reserve 'A' Addition was platted in 1967.

**ADJACENT ZONING AND LAND USE:**

North: SF-5, TF-3; single-family residences  
South: LC subject to CUP DP-12; regional shopping center  
East: B, LC; multi-family residential complex, retail and convenience shopping  
West: SF-5; single-family residential

**PUBLIC SERVICES:** East Douglas Avenue is a four-lane arterial with east-bound left-turn and right-turn lanes at the intersection with Rock Road. East-bound East Douglas Avenue carries an average of 11,893 vehicles on a daily basis. West-bound East Douglas Avenue carries over 11,000 average daily vehicle trips. North Rock Road at its intersection with East Douglas Avenue is a six-lane arterial with right-turn and left-turn lanes. North Rock Road at East Douglas Avenue carries between 18,560 and 28,542 average daily vehicle trips.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a larger urban municipality. The range of housing types includes single detached homes, semi-detached, duplexes, apartments, condominiums and special residential accommodations for the elderly. The comprehensive plan’s commercial locational guidelines indicate that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. Commercial uses should be located in compact clusters or nodes versus extended strip developments, and should not feed directly onto local residential streets.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that LC zoning be approved, subject to the development standards contained in Protective Overlay #294:

- A. Uses permitted shall be limited to the following “LC” Limited Commercial zoning district uses: single-family residential, duplex, multi-family, assisted living, day care limited, day care general, government service, safety service, animal care limited, automated teller machine, bank or financial institution, medical services, general office, personal care service, personal improvement service, sit-down restaurant and general retail provided the restaurant does not exceed 8,000 square feet in size. The following uses are specifically prohibited: retail liquor store, nightclub in the city, drinking establishment or tavern, convenience store, drive-thru restaurant entertainment establishment, pawnshop or business that accepts vehicle titles or other property as security for loans. All buildings within the subject property shall share a uniform architectural character, color and the same predominate exterior building material. The building walls shall not utilize metal as a predominate exterior façade material.
- B. Landscaped street yards, buffers and parking lot landscaping/screening shall utilize a shared palette of landscape material, and shall comply with the City of Wichita Landscape Ordinance unless modified by another provision of this Protective Overlay.
- C. A landscape plan shall be prepared for the above referenced requirement, and shall indicate type, location and specifications for all plant materials.

D. Screening along the north, west, and southwest property lines where adjacent to residential zoning shall be provided by an eight-foot high concrete/masonry wall. The solid wall shall be constructed of a pattern and color that is consistent with the building walls. Occupancy permits shall not be issued until a landscaping and screen plan has been approved by the Planning Director. Landscaping shall be installed prior to occupancy.

E. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 15 feet. Light poles shall not be located within any setbacks. Lighting on buildings must be directed down, away from abutting and adjacent residentially-zoned properties.

F. Building setbacks shall be a minimum of 25 feet along the north, 50 feet along the west and southwest property lines and 35 feet along the arterial frontages.

G. Maximum building height is limited to 35 feet.

H. Rooftop mechanical equipment, trash receptacles, loading docks and loading areas shall be screened from ground level view, and said screening is required to match or be similar to the building façade.

I. No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building that faces any property in a residential zoning district located north or west of the subject site. All signs and building signs facing west and north towards residentially-zoned properties are prohibited. Signs shall be monument type, as permitted by the sign code in the "LC" zoning district. The placement of video board signage and/or electronic message boards should be restricted to the Rock Road frontage and should be mounted no higher than 15 feet.

J. All utilities will be located underground.

K. Outdoor speakers and sound amplification systems shall not be permitted.

L. Deliveries and trash service shall be between the hours of 6:00 a.m. and 10:00 p.m.

M. One full movement driveway located in the northern half of the Rock Road frontage and one right-in/right-out drive with a raised median drive (up to the full movement drive) in the southern segment of the Rock Road frontage are permitted.

N. Prior to the issuance of building permits, the property owner shall dedicate two additional feet of utility easement along the north, west and southwest property line.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area can be viewed as the southeast corner of a larger neighborhood that continues to be an economically stable and very desirable residential area, or it can be viewed as the northwest corner of the Rock Road-Douglas Avenue intersection that is one of Wichita's more economically significant intersections. Towne East Mall, located to the south of the application area that is permitted over 1 million square feet of gross floor area of retail shopping, is a regionally significant mall generating sizable vehicle trips per day. The Rock Road-East Douglas Avenue intersection carries 11,000 to 28,000 average daily vehicle trips. The southeast corner is developed with a convenience store. Farther south of the convenience store are additional retail uses such as fast food restaurants, a car wash, office and retail uses. The northeast corner of the intersection contains additional retail, office and residential uses. Rock Road frontage is highly desirable.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned B Multi-family, which permits a wide range of residential uses—single-family through multi-family—and a few nonresidential uses such as medical offices and facilities. The

site is currently developed with an apartment complex built shortly after 1968. As currently zoned and developed, the site has economic value, but probably not as much as if the site were rezoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will permit the development of retail and other commercial uses on property that abuts the rear of predominantly single-family lots. Commercial uses generally have higher traffic volumes, noise, lighting and debris than residential uses. However, the development standards contained in the proposed protective overlay and other code required development standards should minimize anticipated impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would add to the amount of commercial zoning located along Rock Road. Denial would presumably represent a loss of economic opportunity to the applicant or the property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban residential” uses. The “urban residential” category encompasses areas that reflect the full diversity of residential development densities and types typically found in a larger urban municipality. The range of housing types includes single detached homes, semi-detached, duplexes, apartments, condominiums and special residential accommodations for the elderly. The comprehensive plan’s commercial locational guidelines indicate that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. Commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. Commercial uses should be located in compact clusters or nodes versus extended strip developments, and should not feed directly onto local residential streets.
6. Impact of the proposed development on community facilities: The request for two additional feet of utility easement will bring the existing easement up to current standards. The request for access control for one right-in/right-out access point to Rock Road addresses traffic concerns on Rock Road.

**DALE MILLER**, Planning Staff presented the Staff Report.

**MILLER** said there were several points of contention regarding recommendations in the Staff Report including: Item A. permitted uses. He said staff is recommending that convenience stores and drive-thru restaurants not be allowed; Item F. the applicant is asking for a 15-foot building setback along the north side of the property instead of the 25-foot compatibility setback required by the UZC; however, he said the applicant is offering a larger than required setback along the west side of the property of 50-feet where as the UZC only requires 25-feet; he said the applicant is also offering a masonry wall along the west side of the property where the UZC requires a 6-foot wooden fence; Item I. he referred to language corrections “any electronic message boards ~~should~~ *shall* be restricted to Rock Road and ~~should~~ *shall* be mounted no higher than 15-feet;” Item K. since no convenience stores or drive-thru restaurants are

recommended there would be no need for outdoor speakers or sound amplification features; Item N. he said staff is still trying to sort out the 8-foot utility easement along the west and north property lines. He said the Department of Public Works is asking for two additional feet; however, the actual line may or may not be located within the easement. He requested that if the Planning Commission approves the application, that staff be given the leniency to work with Public Works and the applicant to develop the appropriate language to obtain the additional right-of-way if it makes sense to do that.

**MILLER** reported that 8-9 people spoke at the DAB II meeting regarding concerns that they are already getting trash from Town East and smells from restaurants in the area and they don't want any more of that and if a convenience store is allowed to have fuel pumps they are concerned about leaking gas tanks. He said one of the speakers indicated that the Rockwood Neighborhood Association was meeting on January 20<sup>th</sup>, so the DAB decided to defer taking action until the February DAB meeting to allow the neighborhood association to meet. He said staff will take the item back to the DAB in February, but the Planning Commission is free to reach a decision today.

**WARREN** asked about the masonry wall.

**MILLER** indicated currently there was a wooden fence and the applicant will have to stay out of the utility easement on the west and on the north sides of the site when they install the masonry wall.

**DENNIS** asked if staff was in agreement with the setbacks requested by the applicant.

**MILLER** said staff is okay with the request except the for the one on the north where the applicant would like 15 feet instead of the UZC requirement of 25 feet.

**RUSS EWY, BAUGHMAN COMPANY, PA, 315 ELLIS, AGENT FOR APPLICANT** said he felt the DAB meeting was productive although it did not come to a resolution. He said he felt the general mood of the DAB was in favor of the zone change. He said the same points of contention reiterated today by Mr. Miller were the main talking points at the meeting. He commented that one couple who lives east of the site spoke in opposition to restaurants of any kind. He said another resident who lives northwest of the site also mentioned not enjoying the smells of the Dillons and Krispy Kreme as well as other stores in the area. He said that speaker also brought up the issue of gas storage if there was a convenience store on the site. He said the applicant has made a number of attempts to reach out to adjoining property owners and the homeowners association. He said he inadvertently posted the development application sign twice on the property so signs have been posted since December 6<sup>th</sup>. He said he has received several phone calls all dealing with what is going to happen to residents of the apartment complex. He said he has received no feedback from surrounding property owners. He did mention that he received a phone call from the property owner to the north, the one most affected by the requested 15-foot setback, and they are in support of the requested zone change.

**EWY** said the applicant feels a 15-foot setback is reasonable. He said the 25-foot setback comes from the compatibility setback in the UZC not the base zoning district setback. He said they are asking the Commission to consider the 15-foot setback since they will be providing an 8-foot masonry wall. He said they would also like the Commission to strongly consider allowing fast food restaurants and convenience stores as permitted uses.

**B. JOHNSON** asked for clarification of the 25-foot setback and if that could be adjusted administratively.

**MILLER** explained that if the Commission requires the 25-foot setback, theoretically the applicant could ask for an administrative adjustment. He said technically once the zoning is finalized, the applicant can request an adjustment.

**MILLER STEVENS** asked for clarification on the no drive-thru provision and asked if that was any drive-thru or just specifically restaurants.

**MILLER** said staff was specifically referring to restaurants, but added they would be okay with a drive-thru bank because staff doesn't get the same kind of complaints from surrounding neighbors.

**MCKAY** mentioned the 25-foot setback to the north and asked if it was for utilities or to shield the neighbors and if there was any room for negotiations on that.

**MILLER** said the 25 feet comes from the compatibility setback in the UZC. He added that anything between 15 and 25 feet could work.

**DENNIS** asked staff how much room was needed for the right-of-way and the setback.

**MILLER** mentioned an 8-foot utility easement and added that the applicant was requesting 15 feet, which was an additional 7 feet. He reiterated that the UZC says 25 feet.

**DENNIS** asked if 20 feet would take care of the right-of-way and setback.

**MILLER** indicated yes.

**MCKAY** clarified that the easement was on both sides of the property line.

**MILLER** indicated no, the easement was only on the south side of the property line. He said there may be a platted setback that is a different plat.

**B. JOHNSON** mentioned the possibility that the utilities may not be within the 8-foot easement.

**MILLER** indicated that according to the aerial graphic very little of the utilities appear to be in there.

**B. JOHNSON** asked what utilities are in the easement.

**EWY** commented that he used the Wichita-Sedgwick County GIS system as a tool to generate the graphic. He provided a hand out of the graphic for review by the Commission. He mentioned that the sanitary sewer line appears to be at weird angles. He said he believes the existing sanitary sewer lines were covered by separate instruments. He said the applicant has a simple platted 8-foot easement to the northwest and southwest. He said the requested 15-foot setback will not encumber the use of the easement. He said the applicant would be willing to work with staff and City Engineering to dedicate

additional right-of-way in the northwest corner and elbow by separate instrument. He mentioned that they would also be dedicating access control by separate instrument and guaranteeing a raised median to help with traffic along Rock Road.

**MOTION:** To approve subject to staff recommendation with the exception to allow a 20-foot right-of-way on the north of the site; to allow convenience stores; to allow outdoor speakers and drive-thrus for banks only (no restaurants); and that staff work with the applicant and Public Works on the easement.

WARREN moved, DENNIS seconded the motion, and it carried (9-0).

**NON-PUBLIC HEARING ITEMS**

Other Matters/Adjournment

The Metropolitan Area Planning Commission adjourned at 1:58 p.m.

State of Kansas        )  
Sedgwick County     ) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
John L. Schlegel, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)

**STAFF REPORT**

**CASE NUMBER:** VAC2014-00052 - County request to vacate a portion of platted public street right-of-way

**APPLICANT/AGENT:** Andale Farmers' Coop, c/o Steve Morris (applicant) Kaw Valley Eng., c/o Tim Austin (agent)

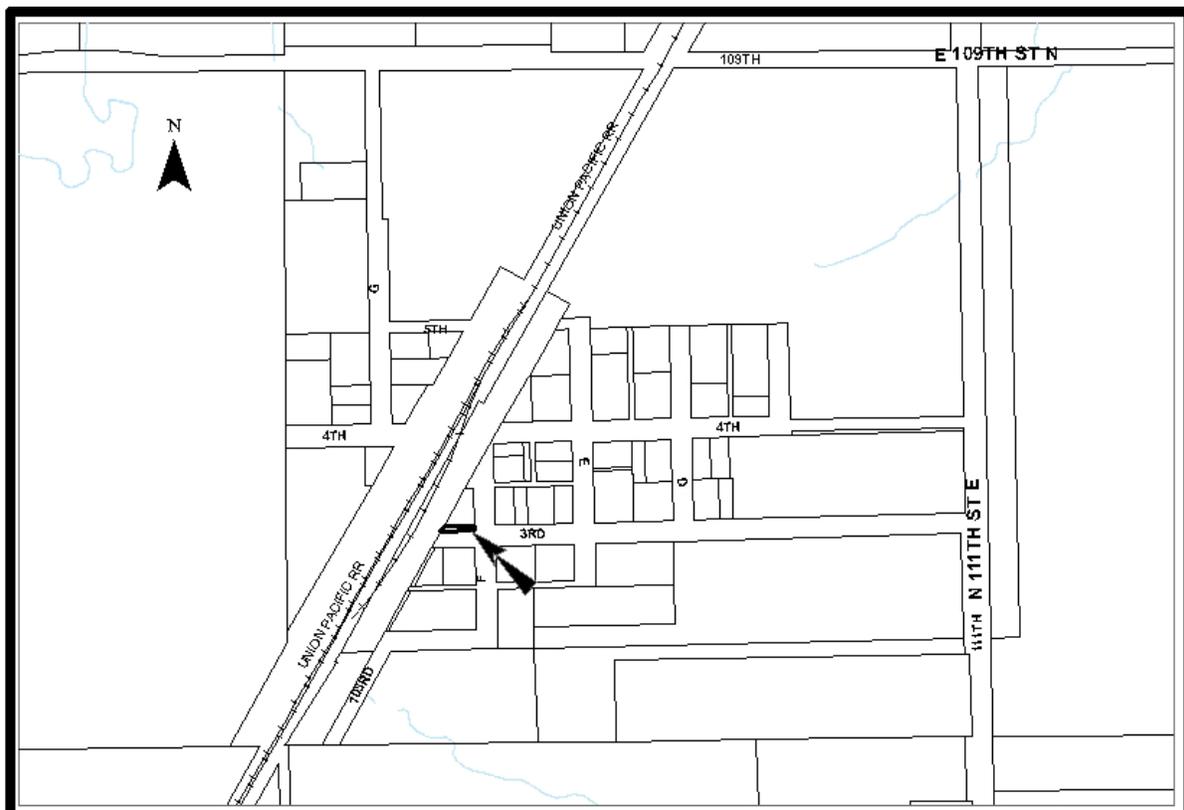
**LEGAL DESCRIPTION:** Generally described as the north 20 feet of the platted 80 feet of 3<sup>rd</sup> Street right-of-way that abuts the south sides of Reserve G, Lots 1 & 2, Block 19, the east side of the Andale Farmer's Coop property and the west side of Avenue F right-of-way, all in the Furley Addition

**LOCATION:** Generally located south of 109<sup>th</sup> Street North and west of 111<sup>th</sup> Street East (BoCC 1)

**REASON FOR REQUEST:** Expansion of Andale Farmer's Coop

**CURRENT ZONING:** The site is a public street right-of-way. The abutting north and west properties are zoned LI Limited Industrial. Platted public right-of-way Avenue F abuts the east side of the site.

**VICINITY MAP:**



The applicant proposes to vacate north 20 feet of the platted, unimproved 80 feet of 3<sup>rd</sup> Street right-of-way (ROW) that abuts the south sides of Reserve G, Lots 1 & 2, Block 19 (Andale Farmer's Coop property), the east side of the Andale Farmer's Coop (the applicant) property and the west side of Avenue F ROW, all in the Furley Addition. The applicant proposes additional buildings for the Coop. All of Furley's streets have been platted with 80 feet of ROW. The vacation would reduce this portion of 3<sup>rd</sup> Street to 60 feet of ROW, which is within the Subdivision's standards for a residential street. There is no public sewer located in the right-of-way. There is a power line pole located in the northwest portion of the 3<sup>rd</sup> Street – Avenue F intersection; the area of the vacation activity. Comments are needed from the owner(s) of the utilities located on the power line pole. The site is located within Sedgwick County Rural Water District #1 and its comments are needed. The Furley's plat's text states that it is to be filed as a map or a plat of a town. Furley is an unincorporated town of approximately (+/-) 3.2-acres. The Furley Addition was recorded May 20, 1887.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Water & Sewer, Fire, Sedgwick County Rural Water District #1, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described portion of the platted, unimproved, street right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time January 15, 2015, which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by vacating the described portion of the platted unimproved, street right-of-way and that the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate that portion of the unimproved portion of 3<sup>rd</sup> Street ROW as approved by the Sedgwick County Engineer.
- (2) Dedicate a portion of the described vacated portion of the platted, unimproved, street right-of-way as a utility - drainage easement. This easement (with original signatures) must be provided to Planning prior to the case going to the County Commission for final action.
- (3) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility

- (4) Provide an original restrictive covenant(s) binding and tying the vacated portion of the vacated subject street right-of-way to applicant's abutting property. This must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (5) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (6) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

#### **SUBDIVISION COMMITTEE'S RECOMMENDED ACTION**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion of the unimproved portion of 3<sup>rd</sup> Street ROW as approved by the Sedgwick County Engineer.
- (2) Dedicate a portion of the described vacated portion of the platted, unimproved, street right-of-way as a utility - drainage easement. This easement (with original signatures) must be provided to Planning prior to the case going to the County Commission for final action.
- (3) Any relocation or reconstruction of all utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicants' expense shall be to County Standards. If needed provide a private project for relocation of utilities. The approved private project number must be provided to Planning prior to the case going to County Commission and subsequent recording with the Register of Deeds. If these are franchised utilities, provide Planning with approval from the participating franchised utility
- (4) Provide an original restrictive covenant(s) binding and tying the vacated portion of the vacated subject street right-of-way to applicant's abutting property. This must be provided to Planning prior to the case going to the County Commission and subsequent recording with the Register of Deeds.
- (5) Provide Planning with a legal description of the vacated street on a Word document, via e-mail. This must be provided to Planning prior to the case going to City Council for final action.
- (6) Provide County Fire and Public Works with any needed improvements, per County Standards and at the applicants' expense.

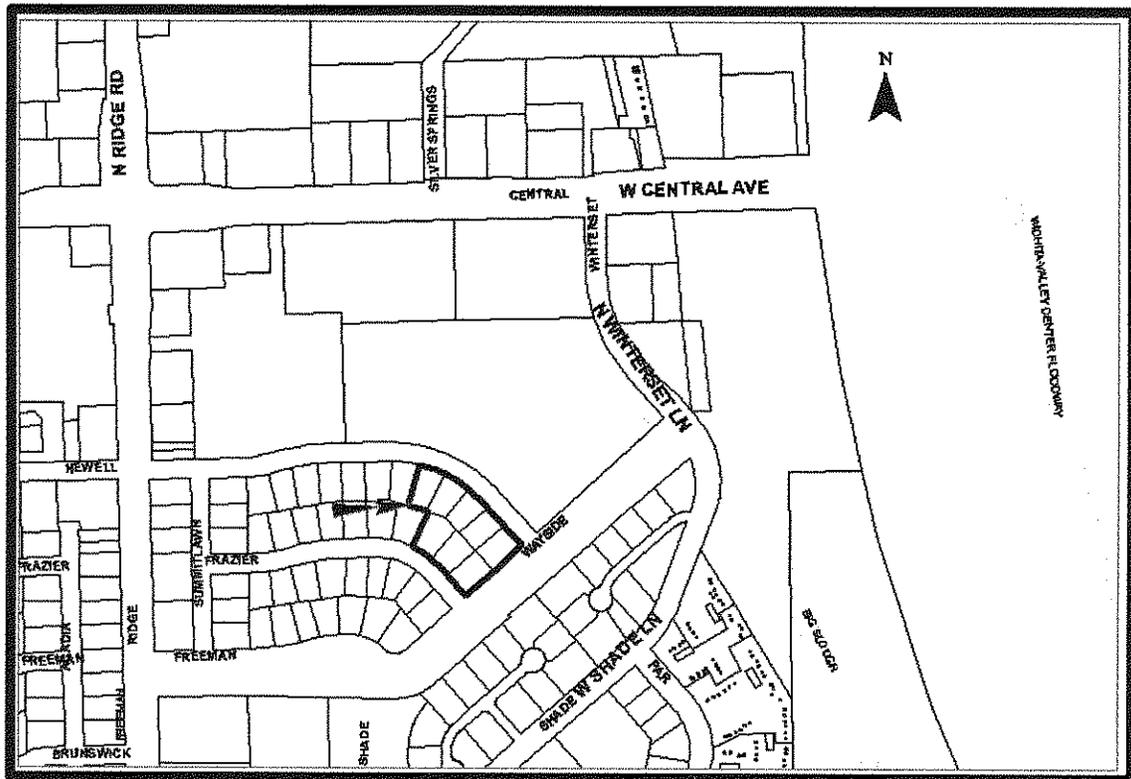
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.



# STAFF REPORT

MAPC February 5, 2014  
DAB V January 26, 2014

- CASE NUMBER:** ZON2014-00033
- APPLICANT/OWNER:** BATC, LLC (applicant/owner) Timothy Chadd (agent)
- REQUEST:** TF-3 Two-Family Residential zoning
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** Approximately 1.77-acres
- LOCATION:** Generally located generally located south of Central Avenue, east of Ridge Road, on the west side of Wayside Lane's intersections with Newell Street and Frazier Lane



**BACKGROUND:** The applicant is requesting TF-3 Two-Family Residential zoning on the undeveloped, platted 1.77-acre SF-5 Single-Family Residential zoned site; Lots 1, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition. The applicant proposes to build a duplex on each lot. Each of the eight (8) lots exceeds the Unified Zoning Code's (UZC) minimum standards for lot size for a duplex. The site is located south of Central Avenue, between Ridge Road and the Big Ditch, on the west side of Wayside Lane's intersections of Newell Street and Frazier Lane.

The SF-5 zoned site is located in a neighborhood of predominately low to high density residential development and zoning. The neighborhood is located south of (and behind) the commercial development and zoning along Central Avenue. A small SF-5 zoned public park abuts the west side of the site. The park separates the site from the adjacent west SF-5 zoned single-family residences (built in the early 1970s). A small GO General Office zoned office is located further west of the site along Ridge Road, marking the end of most of the area's SF-5 zoning. South of the site are SF-5 zoned single-family residences (built in the early 1970s). Further south and east of the site are MF-18 Multi-family Residential and TF-3 zoned duplexes, apartments and townhouses, all part of a residential Community Unit Plan, CUP DP-59. The duplexes appear to be some of the most recent residential development in the area, being built in the mid-2000s. A GC General Commercial zoned self-storage warehouse is also located in this area south of the site. North of the site is the LC Limited Commercial zoned YMCA, retail, a cosmology school, a bank, restaurants, and other commercial uses. Most of this development is part of the commercial CUP DP-39.

**CASE HISTORY:** The subject site was platted as, Lots 1, 2, 3, 4, 5, 23, 24 and 25, Block E, Country Acres 6th Addition, which was recorded with the Sedgwick County Register of Deeds February 8, 1960. DAB V considered this request at their January 26, 2015 meeting and recommended approval, 7-0. No one protested the request at the DAB V meeting.

**ADJACENT ZONING AND LAND USE:**

NORTH: LC	YMCA, retail strips, restaurants, cosmology school
SOUTH: SF-5, MF-18, LC, GC	Single-family residences, apartments, duplexes, self-storage
WEST: SF-5, GO	Public park, single-family residences, office strip
EAST: MF-18, TF-3	Duplexes, townhouses

**PUBLIC SERVICES:** Newell Street, Frazier Lane and Wayside Lane are paved residential streets. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The "2013 Land Use Guide of the Comprehensive Plan" (Plan) identifies the SF-5 zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in large urban municipality. The Plan identifies SF-5 zoning as being compatible with the urban residential category. The SF-5 zoning district allows single-family residences and institutional uses such as a parks, schools and churches, but not duplexes, by right. The site's requested TF-3 zoning is compatible with the Plan's urban residential category and allows duplexes as well as single-family residential development and institutional uses such as a parks, schools and churches.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The SF-5 zoned site is located in a neighborhood of predominately low to high density residential development and zoning. The neighborhood is located south of (and behind) the commercial development and zoning along Central Avenue. A small SF-5

zoned public park abuts the west side of the site. The park separates the site from the adjacent west SF-5 zoned single-family residences (built in the early 1970s). A small GO General Office zoned office is located further west of the site along Ridge Road, marking the end of most of the area's SF-5 zoning. South of the site are SF-5 zoned single-family residences (built in the early 1970s). Further south and east of the site are MF-18 Multi-family Residential and TF-3 zoned duplexes, garden apartment, townhouse and apartments, part of a mixed residential Community Unit Plan, CUP DP-59. The duplexes appear to be some of the most recent residential development in the area, being built in mid-2000. A GC General Commercial zoned self-storage warehouse is also located in this area south of the site. North of the site is the LC Limited Commercial zoned YMCA, retail, a cosmology school, a bank, restaurants, and other commercial uses. Most of this development is part of the commercial CUP DP-39.

- (2) **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned SF-5 and is vacant.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** The requested TF-3 zoning allows duplexes as well as single-family residences by right. It also permits institutional uses such as parks, schools and churches by right. The request would not introduce TF-3 zoning or duplex development into the area, as the most recent development in the area may be some TF-3 zoned duplexes (built in mid-2000) located east of the site.
- (4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request would limit development by right to single-family residential, duplex, and institutional uses such as a parks, schools and churches. Denial of the request could impose a financial hardship on the owner.
- (5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2013 Land Use Guide of the Comprehensive Plan" (Plan) identifies the SF-5 zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types, including duplexes, typically found in large urban municipality. The Plan identifies SF-5 zoning as being compatible with the urban residential category. The SF-5 zoning district allows single-family residential uses and parks, but not duplexes, by right. The site's requested TF-3 zoning and proposed duplex development is compatible with the Plan's urban residential category.
- (6) **Impact of the proposed development on community facilities:** All services are in place, and any increased demand on community facilities can be handled by current infrastructure.

**WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT**

**DATE:** January 29, 2015  
**TO:** Metropolitan Area Planning Commission  
**FROM:** Scott Knebel, AICP, Advanced Plans Division  
**SUBJECT:** DER2015-02: Proposed Amendments to the “U” University Zoning District

**Background:** Wichita State University has developed an Innovation Campus Master Plan (see attached) to redevelop Braeburn Golf Course with:

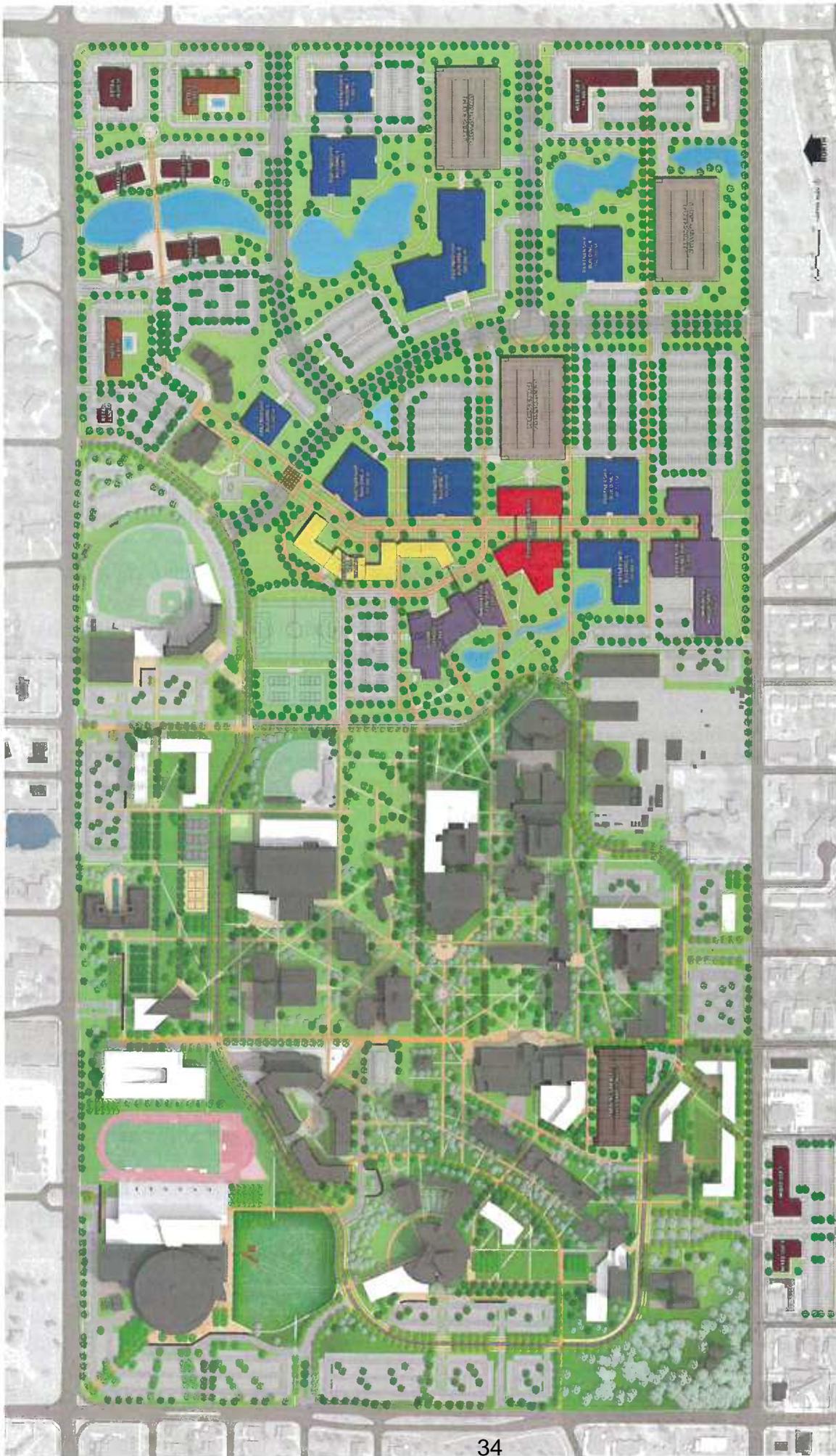
- An Experiential Engineering Building with engineering laboratories and a maker space
- Partnership Buildings, constructed with private funds by developers who will lease space to companies that want to work with WSU students and faculty
- A new home for the W. Frank Barton School of Business, with an adjacent Innovation Center
- A new residence hall
- Mixed-use buildings, built by private developers along 17th and 21st Streets, near Oliver, that would include retail stores and restaurants on the first level and apartments on upper levels
- A hotel, built by a private developer, on the southwest corner of 21st and Oliver

The current zoning of Wichita State’s main campus and the former Braeburn Golf Course is “SF-5” Single Family with the “U” University Overlay District. The current language of the Unified Zoning Code indicates that the “U” University Overlay District should be applied only to non-university, residential properties adjacent to campus and that properties on campus should be zoned “U” University Base District. Staff has not been able to determine why the Wichita State University campus was zoned to the “U” University Overlay District rather than the “U” University Base District.

Since neither the “U” University Overlay District nor “U” University Base District permits the proposed Innovation Campus uses and since other universities are zoned “U” University Base District, staff recommends the attached amendments to the “U” University Overlay District to create a section that applies to university-owned property on-campus and a different section that applies to non-university, residential property adjacent to campus. The “U” University Overlay District on campus would permit the proposed uses of the Innovation Campus. Since Wichita State has the only on-campus property zoned “U” University Overlay District, Wichita State would be the only campus permitted the Innovation Campus uses if the proposed amendments are approved. Non-university, residential properties in the “U” University Overlay District would continue with existing permitted uses.

**Recommended Action:** Set a public hearing for March 5, 2015, to consider the proposed amendments to the “U” University zoning district. The recommended process to review the proposed amendments is outlined in the attached schedule.

**Attachments:** Innovation Campus Master Plan  
Proposed Amendments to the “U” University Zoning District  
Review Schedule



OPTION - 6



INNOVATION UNIVERSITY MASTER PLAN



# Proposed Amendments to the “U” University Zoning District

## 3. U University District (“U”)

a. **Purpose.** The U University District is intended to accommodate the development of Universities, Colleges, seminaries, or other institutions of higher learning. The district is designed to serve as a base District or as an Overlay District. As a base District or an Overlay District, the U District shall be applied to the ~~main~~-campus Owned or leased by the educational institution, its subsidiaries or affiliates. It may also be applied on Adjacent residential zoned properties as an Overlay District when the Planning Commission and the Governing Body have determined that the Adjacent area is a logical and desirable location for:

- (1) expansion of the University, College, seminary or other institution of learning;
- (2) fraternities, sororities, dormitories, student housing and related Uses;
- (3) offices, meeting rooms, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions with a demonstrated relationship to the University or College; and
- (4) Libraries, art galleries, museums, athletic facilities, public health facilities and other nonprofit cultural facilities that would provide a public benefit by such locations.

The U District corresponds generally to the "Major Institutional" land Use designation of the Wichita-Sedgwick County *Comprehensive Plan*.

b. **Base District permitted Uses.** When the U District is applied as a base district, the following uses shall be permitted by-right:

Universities, colleges, seminaries and other institutions of learning, including their buildings owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, Auditoriums or Stadiums, lecture halls, Libraries, Hospitals, Government Services, Safety Services, student, faculty and alumni centers, athletic facilities and dormitories, Group Home, Group Residences, Day Care, ~~limited general~~ and student and faculty housing; provided, however, ~~the main learning activities are housed within~~ the above facilities are located on campus. Permitted outside activities shall include marching, drill, band, athletics, campus celebrations and displays, graduations, scientific research, music and drama presentations, off-street Parking, open air classroom instruction and similar functions. Excluded are those primary Uses that are conducted outside a Structure or have major Outdoor Storage of materials used in the instructional process, including the teaching of repair, maintenance or driving of heavy equipment or trucks; the teaching of body or fender work; metal forming or such other trade that involves basically physical or manual skills; flying instruction; weapon instruction; fire fighting instruction and other similar uses.

## Proposed Amendments to the “U” University Zoning District

**c. Overlay District on campus permitted Uses.** When the U District is applied as an Overlay District on campus, the Uses permitted by-right shall be the Base District permitted Uses and Multi-Family, Assisted Living, Bank or Financial Institution, Broadcast/Recording Studio, Hotel or Motel, Medical Service, Office, General, Personal Care Service, Personal Improvement Service, Printing and Publishing, General, Restaurant, Retail, General, Manufacturing, Limited, subject to Sec. III-D.6.n., Research Services, Agricultural Research, commercial experiential learning facilities and other similar uses.

**c.d. Overlay District on Adjacent residential zoned properties permitted Uses.** When the U District is applied as an Overlay District on Adjacent residential zoned properties, the Uses allowed by-right within the Underlying residential District shall constitute the Permitted Uses by-right.

**d.e. Overlay District on Adjacent residential zoned properties Conditional Uses.** When the U District is applied as an Overlay District on Adjacent residential zoned properties, the Uses allowed as Conditional Uses within the Underlying residential District shall be Conditional Uses within the U Overlay. The following Uses shall also be Conditional Uses within the U Overlay district:

- (1) fraternities and sororities, dormitories, student housing and related Uses;
- (2) Libraries, art galleries, museums, athletic facilities, public health facilities and other nonprofit cultural groups;
- (3) offices, meeting rooms, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions having a demonstrated relationship to the university or college;
- (4) Parking Areas or lots for Passenger Vehicles accessory to Uses permitted in the U District;
- (5) Accessory Structures and Uses when such are located on the same Lot and are traditionally and customarily incidental to any of the Permitted Uses in this zoning District.

**e.f. Property development standards.** Each site in the U District shall be subject to the following minimum property development standards.

(1) **Minimum Lot size.** The minimum Lot size in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) **Base District and Overlay District on campus:** no minimum

(b) **Overlay District on Adjacent residential zoned properties:** standard of Underlying base District controls.

## Proposed Amendments to the “U” University Zoning District

(2) **Minimum Lot width.** The minimum Lot width in the U District shall vary depending on whether the District is applied as a base District or as an Overlay ~~district~~District, as follows.

(a) **Base District and Overlay District on campus:** no minimum

(b) **Overlay District on Adjacent residential zoned properties:**  
standard of Underlying base District controls

(3) **Minimum Front Setback.** The minimum Front Setback in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) **Base District and Overlay District on campus:** 20 feet if frontage on public Street

(b) **Overlay District on Adjacent residential zoned properties:**  
standard of Underlying base District controls

(4) **Minimum Rear Setback.** The minimum Rear Setback in the U District shall vary depending on whether the district is applied as a base District or as an Overlay District, as follows.

(a) **Base District and Overlay District on campus:** 20 feet if Setback is taken from public Street or residentially zoned Lot

(b) **Overlay District on Adjacent residential zoned properties:**  
standard of Underlying base District controls

(5) **Minimum Interior Side Setback.** The minimum Interior Side Setback in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) **Base District and Overlay District on campus:** 20 feet if Setback is taken from residentially zoned Lot

(b) **Overlay District on Adjacent residential zoned properties:**  
standard of Underlying base District controls

(6) **Minimum Street Side Setback.** The minimum Street Side Setback in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) **Base District and Overlay District on campus:** 20 feet if Setback is taken from public Street

(b) **Overlay District on Adjacent residential zoned properties:**  
standard of Underlying base District controls

## Proposed Amendments to the “U” University Zoning District

**(7) Maximum Height.** The maximum height limit in the U District shall vary depending on whether the District is applied as a base District or as an Overlay District, as follows.

(a) **Base District and Overlay District on campus:** no maximum

(b) **Overlay District on Adjacent residential zoned properties:**  
standard of Underlying base District controls

**(8) Maximum Floor Area Ratio**

(a) **Base District and Overlay District on campus:** 0.50

(b) **Overlay District on Adjacent residential zoned properties:**  
Standard of Underlying base District controls

**f.g. Special regulations.** The following special regulations shall apply to property in the U District.

**(1) Base District or Overlay District.** The U District may be applied and mapped as a separate base zoning District or as an Overlay District in combination with any one of the residential Districts. The U Overlay District shall not be combined with an office, commercial, or industrial base District.

**WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT**

**DATE:** February 5, 2015  
**TO:** Wichita-Sedgwick County Metropolitan Area Planning Commission  
**FROM:** David Barber AICP, Advanced Plans Manager  
**RE:** DER 2015-00003: THE CITY OF GARDEN PLAIN SEEKS UNILATERAL ANNEXATION OF VARIOUS TRACTS LOCATED ADJACENT TO THE CITY OF GARDEN PLAIN – Resolution No. 151.

**Background:** On January 7, 2015, the City of Garden Plain passed Resolution No. 151 authorizing a public hearing on March 11, 2015, for the purposes of considering the unilateral annexation of several properties eligible under KSA 12-520(a) and located immediately adjacent to the City of Garden Plain.

Prior to unilaterally annexing property, Kansas statutes require that a plan be prepared indicating the means by which city services will be extended to the area proposed for annexation. The City of Garden Plain has not submitted to the MAPD, a copy of the service plan describing the extension of services to the annexation area. All six tracts proposed for annexation are various segments of road right-of-way located adjacent to existing City limits.

**Analysis:** Kansas statutes governing unilateral annexations provide for official notification to certain local officials, including planning commissions having jurisdiction in the area. Additionally, Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city.

After review by staff, it has been determined that three of the six tracts proposed for unilateral annexation fall within the City of Garden Plain 2030 Urban Growth Area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in May 2005. All six tracts fall within the revised City of Garden Plain 2035 Urban Growth Area as depicted in the Working Draft Community Investments Plan dated January 8, 2015. Staff has concluded that the proposed unilateral annexation by the City of Garden Plain is substantially consistent with the Wichita-Sedgwick County Comprehensive Plan.

**Recommended Action:** That the Metropolitan Area Planning Commission pass a motion finding the unilateral annexation proposed by Resolution No. 151 of the City of Garden Plain to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

**Attachments:** Attachment No. 1 - Resolution No. 151 and map.  
Attachment No. 2 - 2030 Urban Growth Areas Map, May 2005.

**RESOLUTION NO. 151**

**A RESOLUTION OF THE CITY OF GARDEN PLAIN, KANSAS  
DECLARING AN INTEREST IN, AND ESTABLISHING A PUBLIC  
HEARING DATE FOR CONSIDERING THE ANNEXATION OF CERTAIN  
LANDS TO THE CITY OF GARDEN PLAIN, SEDGWICK COUNTY,  
KANSAS.**

WHEREAS, the governing body of the City of Garden Plain, Kansas is interested in the unilateral annexation of certain eligible properties to the City of Garden Plain, Kansas pursuant to K.S.A. 12-519 et. seq.; and

WHEREAS, a Report Setting Forth Plans For Extension of Services to the area proposed to be annexed has been prepared as required by K.S.A. 12-520b.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
CITY OF GARDEN PLAIN, KANSAS:**

**SECTION 1.** The City of Garden Plain, Kansas is considering annexing eligible properties in Sedgwick County, Kansas, including the lots, tracts, and lands in Sedgwick County, Kansas legally described in Exhibit "A" attached hereto, and incorporated herein by this reference.

**SECTION 2.** A report setting forth plans for extending to the area proposed to be annexed the major municipal services available to residents of the City of Garden Plain, Kansas is on file at the Garden Plain City Hall, 507 North Main, Garden Plain, Kansas, and is available for inspection during regular office hours.

**SECTION 3.** A sketch of the lots, tracts and lands proposed to be annexed is marked as Sketch No. 1, attached hereto, and incorporated herein by this reference.

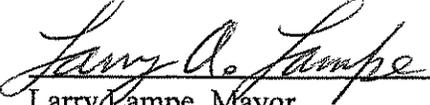
**NOTICE OF PUBLIC HEARING**

**SECTION 4.** Notice is hereby given that a public hearing will be held by the Governing Body of the City of Garden Plain, Kansas on March 11, 2015, at 6:00 p.m., at the Garden Plain City Hall, 507 North Main, Garden Plain, Kansas, during which the proposal for annexation, including the plan for extension of municipal services, will be presented and comments from all interested persons shall be heard.

**SECTION 5.** Within 10 days of the adoption, the City Clerk of the City of Garden Plain, Kansas shall by certified mail serve a copy of this Resolution and sketch of the area proposed to be annexed on all owners of land within the area proposed to be annexed and other interested parties and entities prescribed in K.S.A. 12-519 et seq.

SECTION 6. This Resolution and sketch of the area proposed to be annexed shall be published once in the official city newspaper not less than one week nor more than two weeks preceding said public hearing.

ADOPTED AND APPROVED by the Governing Body of the City of Garden Plain, Kansas this 7 day of January, 2015.

  
Larry Lampe, Mayor

ATTEST:

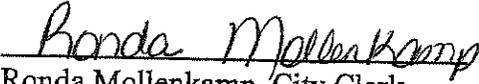
  
Ronda Mollenkamp, City Clerk

EXHIBIT "A" (Legal Description)

[THE SOUTH HALF OF 15<sup>TH</sup> STREET, NW1/4 SEC 32-T27S-R3W]

A tract of land in the Northwest Quarter of Section 32, Township 27 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: BEGINNING at a point along the North line of said Northwest Quarter, a distance of 757.68 feet East of the Northwest Corner of said Northwest Quarter; Thence South parallel to the West line of said Northwest Quarter, a distance of 60.00 feet; Thence East parallel with the North line of said Northwest Quarter, to a point on the East line of said Northwest Quarter; Thence North along the East line of said Northwest Quarter, a distance of 60.00 feet to the Northeast Corner of said Northwest Quarter; Thence West along the North line of said Northwest Quarter to the point of BEGINNING.

[THE WEST HALF OF 295<sup>TH</sup> STREET, SE1/4 SEC 30-T27S-R3W]

A tract of land in the Southeast Quarter of Section 30, Township 27 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: BEGINNING at the Northeast Corner of Lot 12, Block J as platted in "Bentwood Addition" to Garden Plain, Sedgwick County, Kansas; Thence North parallel to the East line of the Southeast Quarter of said Section 30, to a point on the North line of said Southeast Quarter; Thence East along the North line of said Southeast Quarter to the Northeast Corner of said Southeast Quarter; Thence South along the East line of said Southeast Quarter, to a point on the extended North right-of-way line of Commerce Street as platted in the "Bentwood Addition" to Garden Plain, Sedgwick County, Kansas; Thence West 90.0 feet to a point on the East Right-of-Way line of Eastern Drive as platted in "Bentwood Addition" to Garden Plain, Sedgwick County, Kansas; Thence North and then Northwesterly along the East line of said Eastern Drive to the point of BEGINNING.

[EASTERN DRIVE ALONG THE WEST HALF OF 295<sup>TH</sup> STREET, SE1/4 SEC 30-T27S-R3W]

That portion of Eastern Drive as platted in "Bentwood Addition" to Garden Plain, Sedgwick County, Kansas lying East of and adjacent to Lots 1, 2 and 3, Block A, and that portion lying South and East of a line from the Northeast Corner of said Lot 1, Block A to the Southeast Corner of Lot 12, Block J of said "Bentwood Addition".

[EAST HALF OF 295<sup>TH</sup> Street, SW1/4 SEC 29, T27S, R3W]

A tract of land in the Southwest Quarter of Section 29, Township 27 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the Southwest Corner of said Southwest Quarter; Thence East at an assumed bearing of N 88°33'00" E along the South line of said Southwest Quarter, a distance of 165.0 feet; Thence North at an assumed bearing of N 1°08'00" W parallel with the West line of said Southwest Quarter, a distance of 60.0 feet; Thence N 55°35'00" W, a distance of 92.2 feet, to a point 90.0 feet East of the West line of said Southwest Quarter; Thence N 1°08'00" W parallel with the West line of said Southwest Quarter, a distance of 154.19 feet to the Point of BEGINNING; Thence continuing North N 1°08'00" W parallel with the West line of said Southwest Quarter, a distance of 1325.81 feet; Thence N 5°30'00" E, a distance of 432.9 feet, to a point as described in Deed Book 1434, Page 124; Thence N 1°08'00" W parallel with the West line of said Southwest Quarter, to a point on the North line of said Southwest Quarter; Thence West along the

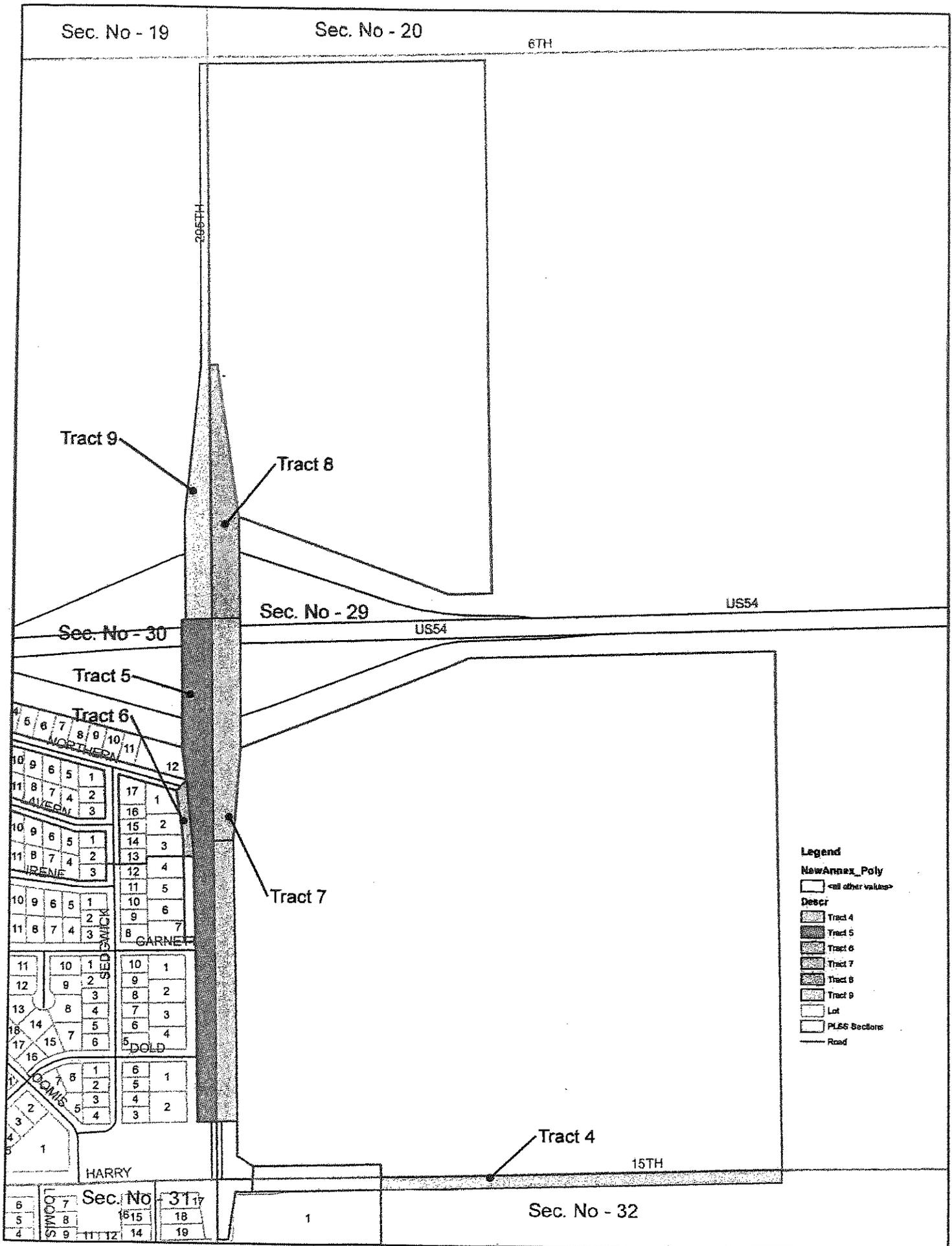
North line of said Southwest Quarter to the Northwest Corner of said Southwest Quarter; Thence S 1°08'00" E, along the West line of said Southwest Quarter to a point 268.71 feet North of the Southwest Corner of said Southwest Quarter; Thence N 88°52'00" E, a distance of 90.00 feet to the Point of BEGINNING.

[EAST HALF OF 295<sup>th</sup> Street, NW1/4 SEC 29, T27S, R3W]

A tract of land in the Northwest Quarter of Section 29, Township 27 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: BEGINNING at the Southwest Corner of said Northwest Quarter; Thence North at an assumed bearing of N 1°08'00" W along the West line of said Northwest Quarter, a distance of 1186.2 feet; Thence N 88°52'00" E, a distance of 40.00 feet; Thence S 8°45'00" E, a distance of 716.3 feet; Thence S 1°08'00" E, parallel with the West line of said Northwest Quarter to a point on the South line of said Northwest Quarter; Thence West along the South line of said Northwest Quarter to the Point of BEGINNING.

[WEST HALF OF 295<sup>th</sup> Street, NE1/4 SEC 30, T27S, R3W]

A tract of land in the Northeast Quarter of Section 30, Township 27 South, Range 3 West of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: BEGINNING at the Southeast Corner of said Northeast Quarter; Thence North at an assumed bearing of N 1°08'00" W along the East line of said Northeast Quarter, a distance of 1186.2 feet; Thence S 88°52'00" W, a distance of 40.00 feet; Thence S 5°42'00" W, a distance of 715.1 feet; Thence S 1°08'00" E, parallel with the East line of said Northeast Quarter, to a point on the South line of said Northeast Quarter; Thence East along the South line of said Northeast Quarter to the Point of BEGINNING. AND the East 40 feet of the Northeast Quarter of said Section 30 not included in the above described description, Except the North 30 feet of said Northeast Quarter.



# GARDEN PLAIN

**City of Garden Plain  
2030 Urban Growth Area**

400

LEY

**Attachment No. 2 - 2030 Urban Growth Areas Map, May 2005**

**WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT**

**DATE:** February 5, 2015  
**TO:** Wichita-Sedgwick County Metropolitan Area Planning Commission  
**FROM:** Dave Barber AICP, Advanced Plans Manager  
**SUBJECT:** Conformity of the Project Area 1 Plan for the Union Station Redevelopment District with the Wichita-Sedgwick County Comprehensive Plan

**Background:** A tax increment finance district is a tool available under Kansas Statutes to stimulate economic redevelopment. It allows a city to finance in blighted or deteriorating areas, all or a portion of public infrastructure and redevelopment costs using captured incremental real estate tax revenues or sales tax revenues generated by the redevelopment activity.

In October 2014, the City of Wichita established the Union Station Redevelopment District in order to encourage (using tax increment financing) the redevelopment of a 10 parcel area centered on the historic Union Station Depot in downtown Wichita. This TIF redevelopment district is bounded on the west by the elevated rail corridor, on the east by an irregular line roughly following S. Rock Island Avenue and S. Mead Street, on the north by E. Douglas Avenue and on the south by E. Waterman Street.

On November 20, 2014, the Metropolitan Area Planning Commission passed a resolution finding the proposed Union Station Project Plan for the Union Station Redevelopment District to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan. The Union Station Project Plan area is identical to the Union Station TIF redevelopment district area. The Project Plan consists of a mixed-use development of approximately 275,000 square feet of retail, restaurants, office space and structured parking. The project will consist of retail, restaurants, and office space (includes 80,000 square feet of new office/retail space) and the construction of a public parking structure (471 spaces) at the south end of the campus.

Over the last month, the developer of the Union Station Project Plan has determined that it would be more appropriate and financially prudent to undertake the redevelopment proposed in the Union Station Project Plan in two distinct phases. At the developer’s request, the Union Station Project Plan will be left to expire by the City Council at the hearing scheduled for February 3, 2015. At that time, the developer will request the City Council to amend the Union Station Redevelopment District to create two project areas instead of one.

A new project plan called the Project Area 1 Plan, covering the north and northeast portions of the Union Station Redevelopment District, has been submitted to the MAPC for a determination of consistency with the Wichita-Sedgwick County Comprehensive Plan.

**Project Details** - The Project Area 1 Plan covers 79,035 square feet on the north end of the Union Station campus. The proposed private and public improvements will consist of the following:  
o Improvements to the Grand Hotel (streetscape improvements along Douglas and Mead Streets as well as internal and external improvements to the building structure).

- Improvements to the Rock Island Passenger Depot Building (streetscape and landscaping improvements adjacent to the building structure as well as internal and external improvements to the building structure).
- Union Station Plaza improvements (streetscape, landscape and lighting improvements north and east of the Terminal building)
- Granting of a public access easement to provide pedestrian and vehicular access with the Project Area 1 Plan area.

The Developer will finance the project including various public infrastructure improvements. The City will provide pay-as-you-go financing to reimburse the Developer for TIF-eligible expenditures. It is estimated that construction of public infrastructure improvements will begin in 2015 and be completed before the end of 2019 at a total estimated cost of \$1,223,354. The city access easement will cost \$432,580. Tax increment financing will be used to finance these improvements.

The original total assessed valuation of the Project Area as of January 2014 for taxes payable in 2014-2015 is \$148,493. The projected total assessed valuation as of January 1, 2020 is estimated to be \$1,445,858. Therefore, the captured assessed valuation for the Project Area as of January 1, 2020 is estimated at \$1,297,365. The resulting property tax increment in 2020 has been calculated to be \$124,372. It is the City's intention to use the property tax increment revenues generated by this TIF District to reimburse the Developer on a pay-as-you-go basis. No TIF bonds will be used to finance eligible expenses. The projected tax increment revenue from the District will be sufficient to reimburse the Developer for all eligible project costs.

**Analysis:** The Project Area 1 Plan for the Union Station Redevelopment District falls within the *Project Downtown Master Plan* which has been adopted as an element of the *Wichita-Sedgwick County Comprehensive Plan*. More specifically, the Project Plan area falls within the Downtown Master Plan's designated 'Old Town South District', one of 15 unique districts that constitute Downtown Wichita.

The Project Area 1 Plan will specifically accomplish certain elements of the following key vision theme identified for the 'Old Town South District':

- "Revive Union Station, adjacent sites, and Douglas Avenue with office, hotel and/or other uses"

It is the opinion of staff that the Project Area 1 Plan dated January 28, 2015 is substantially consistent with the Wichita-Sedgwick County Comprehensive Plan.

**Legal Considerations:** Pursuant to K.S.A. 12-1772, each redevelopment project plan undertaken as part of a tax increment finance district must be prepared in consultation with the planning commission. Accordingly, the MAPC has a responsibility to review the proposed Project Area 1 Plan and make a determination of its consistency with the Wichita-Sedgwick County Comprehensive Plan.

**Recommended Action:** That the Metropolitan Area Planning Commission pass a resolution finding the proposed Project Area 1 Plan for the Union Station Redevelopment District dated January 28, 2015 to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

**Attachment:** Project Area 1 Plan for the Union Station Redevelopment District

**City of Wichita**  
**Union Station Redevelopment District**  
**Project Area 1 Plan**

**February 5, 2015**

**Prepared by City of Wichita**  
**Office of Urban Development**

## **I N D E X**

1. Comprehensive Financial Feasibility Study
2. Redevelopment District Plan
3. Map and Legal Description of Property to be Redeveloped
4. Relocation Assistance Plan
5. Description of Proposed Redevelopment Project
6. Development Agreement
7. City Council Ordinances and Resolutions
8. Metropolitan Area Planning Commission Resolution

**BOUNDARY DESCRIPTION OF THE  
UNION STATION REDEVELOPMENT DISTRICT AND PROJECT AREA 1**

**Redevelopment District**

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

**Project Area 1**

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as beginning at the northeast corner of Lot 3, Union Station Addition, Wichita, Sedgwick County, Kansas; thence S00°00'00"W along the east line of said Lot 3, 170.72 feet; thence S89°56'00"W, 125.00 feet; thence S00°00'00"W, 138.00 feet; thence S90°00'00"W, 192.20 feet; thence N00°05'00"W, 32.23 feet; thence N89°55'00"E, 11.00 feet; thence N00°05'00"W, 28.00 feet; thence S89°55'00"W, 11.00 feet; thence N00°05'00"W, 169.79 feet; thence S89°56'00"W, 104.22 feet; thence N00°05'00"W, 78.47 feet to the north line of said addition; thence N89°56'00"E along said north line, 421.86 feet to the place of beginning.

**Public Access Easement Area** – Portion located in Project Area

[Insert legal description of Public Access Easement Area]

**City Easement Area**

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northeast corner of Lot 3, Union Station Addition, Wichita, Sedgwick County, Kansas; thence S89°56'00"W along the north line of said Lot 3 and extended, 139.06 feet; thence N00°39'46"E, 10.10 feet; thence N48°19'32"E, 7.06 feet to a point of curvature of a curve to the right, said curve having a radius of 12.00 feet and an arc length of 8.73 feet; thence easterly along said curve 8.73 feet to a point of tangency; thence S89°58'54"E, 93.97 feet; thence N01°15'08"E, 4.01 feet to a point of curvature of a curve to the right, said curve having a radius of 6.00 feet and an arc length of 9.19 feet; thence easterly along said curve 9.19 feet to a point of tangency; thence N88°58'49"E, 28.96 feet to a point of curvature of a curve to the right, said curve having a radius of 21.50 feet and an arc length of 33.85 feet; thence southeasterly along said curve 33.85 feet to a point of tangency; thence S00°49'04"E, 137.59 feet; thence S20°19'28"W, 49.36 feet; thence N56°53'51"W, 11.55 feet to the east line of said Lot 3; thence N00°00'00"E along said east line, 170.72 feet to the place of beginning; TOGETHER WITH that part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of said Lot 3; thence S89°56'00"W along the north line of said Lot 3 and extended, 173.47 feet to the place of beginning; thence continuing S89°56'00"W along the north line of said addition, 248.39 feet; thence N00°05'00"W, 16.10 feet; thence N89°52'40"E, 230.00 feet to a point of curvature of a curve to the right, said curve having a radius of 18.50 feet and an arc length of 26.90 feet; thence southeasterly along said curve 26.90 feet to the place of beginning.

**Project Area 2** (Excluding City Easement Area)

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as commencing at the northeast corner of Lot 3, Union Station Addition, Wichita, Sedgwick County, Kansas; thence S00°00'00"W along the east line of said Lot 3, 170.72 feet; thence S89°56'00"W, 125.00 feet; thence S00°00'00"W, 138.00 feet to the place of beginning; thence continuing S00°00'00"W, 138.30 feet; thence S89°56'00"W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius of 165.00 feet and an arc length of 58.11 feet; thence southerly along said curve, 58.11 feet to a point of reverse curvature of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.96 feet; thence southerly along said curve 49.96 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet to a point on the south line of Lot 2 in said addition; thence S83°50'48"W along said south line, 101.63 feet to the southwest corner of said Lot 2; thence N09°45'00"W along the west line of said Lot 2, 36.96 feet to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; thence northerly along said

curve, being the west line of said addition, 317.84 feet to a point of tangency; thence N00°05'00"W along said west line, 864.61 feet to the northwest corner of said addition; thence N89°56'00"E along the north line of said addition, 98.58 feet; thence S00°05'00"E, 339.43 feet; thence N89°56'41"W, 66.19 feet; thence S00°05'00"E, 392.53 feet; thence N89°55'00"E, 145.82 feet; thence S00°01'41"E, 0.47 feet; thence N89°58'19"E, 24.59 feet; thence N00°05'00"W, 369.01 feet; thence N89°55'00"E, 2.00 feet; thence N00°05'00"W, 17.00 feet; thence S89°55'00"W, 2.00 feet; thence N00°05'00"W, 37.77 feet; thence N90°00'00"E, 192.20 feet to the place of beginning.

## **RELOCATION ASSISTANCE PLAN**

(K.S.A. 12-1777)

Assistance for the relocation of persons, families or businesses from property acquired by the City of Wichita in conjunction with the Union Station Redevelopment Project is not required. No persons or families residing in the Union Station Redevelopment District will be displaced as a result of the proposed redevelopment project. All businesses displaced by the Project have been relocated as part of the compensation paid to the businesses as part of the acquisition of real property.

# Union Station Redevelopment District

## DESCRIPTION OF REDEVELOPMENT DISTRICT AND PROJECT AREA 1

By Ordinance No. 49-839, passed October 14, 2014, and published October 17, 2014, the City of Wichita, Kansas (the "City") established a redevelopment district pursuant to K.S.A. 12-1770 *et seq.*, as amended, known as the Union Station Redevelopment District (the "District"), and approved a District Plan. The District Plan was amended by Ordinance No. 49-\_\_\_\_, passed on February \_\_, 2015 and published on February \_\_, 2015.

The Union Station Redevelopment District includes approximately 10 acres southwest of Douglas and Washington. The area consists of the Union Station Depot and surrounding buildings in the complex southwest of Douglas and Washington, East of the elevated railroad tracks downtown. The property is currently owned by Union Station LLC, the Developer.

### **Overall plans for development and site improvements.**

Plans for development of the of the District include mixed-use development of retail, restaurants and office space, redevelopment of existing buildings on the complex, including the Union Station main terminal through historic renovation, and potentially two planned new buildings on the campus. A multi-level parking garage with over 400 spaces is also planned for the south end of the campus. Planned site improvements include resurfacing parking areas and providing public areas with brick paving and additional details similar to nearby Old Town. The City will purchase a public access easement to provide pedestrian access area and access for mobility through portions of the Union Station campus.

**Project Plan.** The developer intends to redevelop the District with two or more project plans. Only the Project Area 1 Plan is presented for approval and consists of the following.

### **Project Area 1 Boundary Description**

Project Area 1 is located on the North end of the Union Station campus. It includes that portion of the campus starting at the intersection of Douglas Avenue and Rock Island Avenue, then south approximately 193' along the centerline of Rock Island to the adjacent property line, then west approximately 150' to east property line along Mead Street, then south approximately 130', then west to the face of the Terminal

Building, then north along the face of said building to the north east corner of the building, then west to the upper track retaining wall, then north approximately 15' into the ROW at Douglas Avenue, then east to point 15' north of beginning, then south to point of beginning.

**The proposed improvements within Project Area 1 are as follows:**

### **Grand Hotel Improvements**

Site improvements will include new sidewalk pavers and concrete along Douglas Avenue, a new drive-thru along the east façade, re-paving and new sidewalk on the south, and new sidewalk and pavers along Mead Street. These areas will also include new landscaping, irrigation, site lighting, and street furniture amenities. Building improvements will include a new roof, restored and coated exterior masonry, new HVAC, and window replacement at all existing openings. Utility laterals and life-safety improvements will include sanitary sewer, water, electrical, and data and communication upgrades, and full fire protection (sprinklered). New construction improvements will include canopies at the north and south facades, and new entrances at the south façade. The existing west canopy will be refurbished. All interiors will be new mixed use finishes and will include an elevator.

### **Rock Island Passenger Depot Building Improvements**

Site improvements will include new planters and sidewalk pavers along Douglas Avenue, a new drive-thru with new planters and sidewalk pavers along the east façade, re-paving and new sidewalk pavers on the south, and new planters, sidewalk, and pavers along the west (private) drive. These areas will also include all new landscaping, irrigation, site lighting, and street furniture amenities. The trash screen and utility pit/screen at the south end will be reconfigured and rebuilt. The existing screen fence at the southwest corner will be eliminated. Open-type fencing will define new outdoor dining areas along the entire west and north sides. Building improvements will include a new roof (faux historic slate shingles), restored and rebuilt masonry, new HVAC, and all window openings will be refurbished. Utility lateral improvements will include sanitary sewer, water, electrical, and data and communication upgrades. The interior will be new restaurant finishes, fixtures, furniture, and equipment on both floors.

### **Rock Island Baggage Depot Building Improvements**

Site improvements will include new planters and sidewalk pavers along the east and west facades, and new sidewalk/pavers at the north and south facades. These areas will also include all new landscaping, irrigation, site lighting, and street furniture amenities. Building improvements will include a new roof (faux historic slate shingles) and restored and rebuilt masonry.

### **Plaza Improvements**

These plaza improvements include the Project Area 1 area to the immediate east of the Terminal building, wrapping around and inclusive of the frontage along Douglas Avenue. This entire area will receive new hard-scape surfaces consisting of a combination of pavers divided by concrete “ribbons”, and new concrete sidewalks. New planters, site lighting, landscaping, irrigation, and street furniture amenities will be included. New construction consisting of steps and planters directly in front of the terminal, plus a glass canopy for food service tenants along the west retaining wall will be included.

### **City Easement**

Some of the site improvements described above lie inside city property which adjoins the Project Area 1 on Douglas Street and Rock Island. The City will grant an easement the developer to permit the access, construction, and maintenance of these site improvements.

### **Public Access Easement**

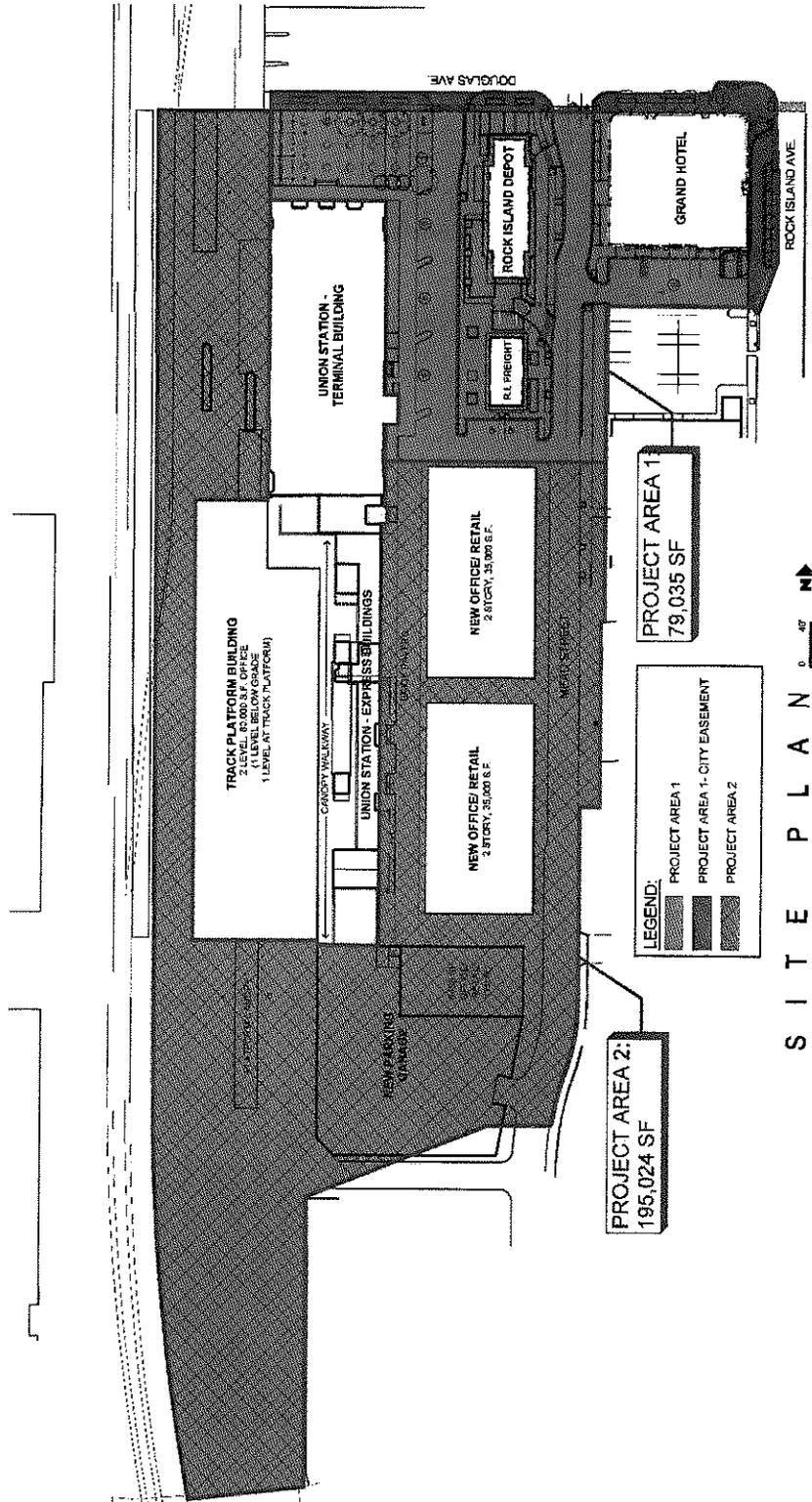
The developer will grant a Public Access Easement to the City for vehicular and pedestrian access to those areas delineated on Exhibit \_\_\_\_.

## USE OF TAX INCREMENT FINANCING

The City of Wichita has undertaken the legal steps necessary to establish a redevelopment district pursuant to state laws (K.S.A. 12-1770 *et seq.*) in order to use tax increment financing (“TIF”) to reimburse the costs of TIF eligible improvements on a pay-as-you-go basis. Upon adoption of this Project Area 1 Project Plan, the City will have established its authority under state law to reimburse the improvements and financing costs from the incremental increase in property taxes resulting from the redevelopment of Project Area 1. The TIF-reimbursed improvements consist of the following:

- **Public improvements** – The Developer will undertake the construction of the infrastructure improvements at an estimated cost of \$1,223,354
- **City Acquired Public Access Easement** – (portion in Project Area 1) \$ 432,580
- **Total TIF-funded costs** –for Project Area 1 Plan \$1,655,934

# EXHIBIT A SITE PLAN AND PROJECT RENDERINGS



S I T E P L A N 0' 40' N



**SPANGENBERG PHILLIPS TICE**  
ARCHITECTS

T 313.267.4002 / F 313.267.4009 [www.spangenbergphillipstice.com](http://www.spangenbergphillipstice.com)

SITE IMPROVEMENTS

**WICHITA UNION STATION**

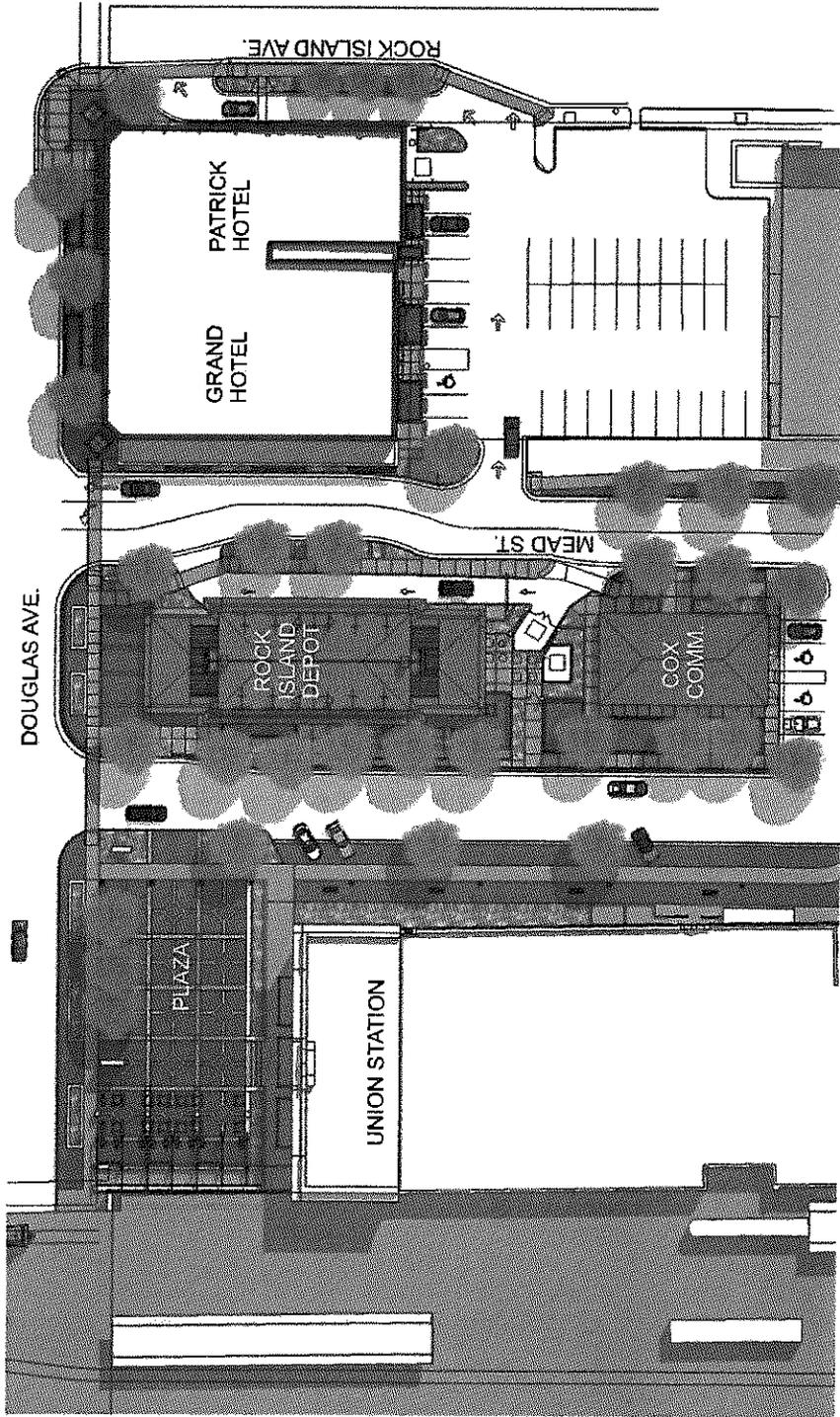
THE RENDERING IS FOR INFORMATIONAL PURPOSES ONLY. SUBJECT TO CHANGE WITHOUT NOTICE. © 2015 SPANGENBERG PHILLIPS TICE ARCHITECTS



**Occidental  
MANAGEMENT**  
WHOLE FOOD MARKET  
REAL ESTATE DEVELOPMENT

1

30 JAN 15



**PHASE 1 SITE PLAN** →



SPANGENBERG PHILLIPS TICE  
ARCHITECTURE

**WICHITA UNION STATION**



**Occidental**  
MANAGEMENT  
Where Ideas Take Flight  
REAL ESTATE DEVELOPMENT

Aug 15, 2013



AERIAL VIEW OF PLAZA



SPANGENBERG PHILLIPS TICE  
ARCHITECTURE

WICHITA UNION STATION



**Occidental**  
MANAGEMENT  
Where Ideas Take Flight  
REAL ESTATE DEVELOPMENT

Aug 31, 2016

*Comprehensive Financing Feasibility Study for the  
Union Station Project  
within the  
Union Station Redevelopment District  
City of Wichita, Kansas  
Project Area 1*

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## Overview

Sections 12-1770 through 12-1780d of the Kansas Statutes (“the Act”) provide a means for cities to finance all or a portion of public infrastructure and redevelopment costs with incremental real estate and sales taxes. The purpose of the Act is to “promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities, and to assist in the development and redevelopment of blighted areas and deteriorating areas which are not yet blighted, but may be so in the future, located within cities...”.

A city may exercise the powers conferred under the Act provided that the governing body of the city has adopted a resolution finding that the specific area sought to be developed or redeveloped is a blighted area, a conservation area or was designated an enterprise zone prior to July 1, 1992. In addition, the city must find that the conservation, development or redevelopment of such an area is necessary to promote the general and economic welfare of the city.

One or more redevelopment projects may be undertaken within the District. Kansas Statutes require projects to be completed within 20 years from transmittal of the redevelopment project plan pursuant to K.S.A. 12-1776, with the exception of environmental investigation and remediation projects which must be completed within 20 years from the date the City enters into a consent decree with the Kansas Department of Health and Environment or the U.S. Environmental Protection Agency, unless the County and School District have expressly consented to a 10-year extension of the term.

For each redevelopment project undertaken within the District, a redevelopment project plan (“**the Project Plan**”) must be prepared in consultation with the City Planning Commission. The Project Plan must include the following:

1. A summary or copy of the Comprehensive Financial Feasibility Study.
2. A reference to the statutorily required district plan for the District.
3. A description and map of the area to be redeveloped (“the Project”).
4. The Relocation Assistance Plan (if applicable).
5. A detailed description of all buildings and facilities proposed to be constructed or improved.
6. Any other information the City deems necessary to advise the general public of the intent of the Project Plan.

The Comprehensive Financial Feasibility Study (this document) must show that the benefits derived from the specified redevelopment project will exceed the costs, and that the income therefrom will be sufficient to pay for the applicable project costs. Benefits are determined to be the aggregate revenues of the redevelopment project including increment income, assessment income, interest income, private party contributions and any other available funding sources. Costs are determined to be the total of eligible project expenditures as defined by K.S.A. 12-1770a, including the payment of principal and interest of debt used to finance the redevelopment project.

Pursuant to all the provisions of the Act, The City of Wichita has, by Ordinance No. 49-839 dated October 14, 2014, found a portion of the City was a blighted and that redevelopment of the area is necessary to promote the general and economic welfare of the City. With adoption of Ordinance No. 49-839, the City established and designated such area as the Union Station Redevelopment District ("the District"). The District boundaries are shown in Exhibit A.

The City is currently considering the adoption of a Project Area 1 Plan for the proposed Union Station Project ("**the Project**") within the designated Union Station Redevelopment District. Plans for the Union Station Development include a mixed use development of approximately 10 acres generally located southwest of Douglas and Washington, east of the elevated railroad, involving retail, restaurants, and office space with historic renovation of the existing buildings on the campus, as well as new construction infill. Plans also include construction of a public parking structure with over 400 spaces.

The Developer will finance the project, including various public infrastructure improvements. The City will provide public funding in the form of pay-as-you-go financing to reimburse the Developer for TIF eligible expenditures.

## **General Description of Tax Increment**

*Property tax increment financing* involves the creation of an increment (increase over a base value) in the real estate taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, the total assessed value of all taxable real estate within the district for that year is determined. This valuation is referred to as the district's "Original Assessed Value." Property taxes attributable to the district's Original Assessed Value are annually collected and distributed by the county treasurer to the appropriate city, county, school district and all other applicable taxing jurisdictions in the same manner as other property taxes.

As new development occurs within the redevelopment district, the total assessed value of the district, in any given year, will normally exceed its Original Assessed Value. Property taxes generated by applying the sum of the property tax rates of all applicable taxing jurisdictions to the incremental increase in assessed value (over and above the Original Assessed Valuation) is referred to as the "property tax increment". All property tax increment is collected by the County and distributed to the City to be deposited in a special tax increment fund.

*Sales tax increment financing* involves the creation of an increment (increase over a base value) in the local sales taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, a base value of local sales tax collections within the district is determined. As new commercial development occurs within the redevelopment district, sales tax collections are expected to increase above the base value. Pursuant to city law governing the use of local sales tax revenue, the City does not intend to collect incremental sales tax revenues as "sales tax increment".

Tax increment funds may only be used to pay for certain statutorily-defined eligible project costs, including principal and interest on debt issued, in whole or in part, to finance eligible project costs within the redevelopment district. Such financing includes notes, special obligation bonds, full faith and credit tax increment bonds, other debt instruments and pay-as-you-go. The City intends to finance eligible improvements within the district through pay-as-you-go financing. The City will reimburse the developer, through pay-as-you-go financing, for TIF eligible expenses paid for by the developer.

### **Project Description**

Project Area 1 generally consists of the North end of the Union Station campus and is depicted on the map in Exhibit I. The Project will include site and building improvements to the Grand Hotel, the Rock Island Depot Building, the Rock Island Baggage Building and the Plaza in front of the Main Terminal Building. Site improvements consist of planters, site lighting, landscaping, irrigation, street furniture amenities. Utility upgrades will also be realized.

**Projected Revenues (Benefits)  
Captured Assessed Value**

It is the City’s intention to use the property tax increment generated by the District to reimburse the developer, on a pay-as-you-go basis, for TIF eligible expenses paid for and financed by the developer as well as acquire a public access easement within the Project. The property tax increment is based on the District’s increase in assessed value over its Original Assessed Value. The increase in value is expected to be recorded in January in the years 2015-2019 and is referred to as the Captured Assessed Value.

The Total Assessed Value for the Project Area 1 as of January 1, 2020 is estimated to be \$1,445,858. The Base Assessed Value of the Project Area 1 as of January 2014 is \$148,493 according to data provided by the City of Wichita Geographic Information Service Office. Therefore, the Captured Assessed Value of the Project Area 1 as of January 1, 2020 is estimated to be \$1,297,365.

For the purpose of this analysis, it is assumed that the Total Assessed Value of the Project Area 1 will increase during the 20 year project period at the annual inflation rate of 2%.

**Property Tax Rates**

In order to determine the amount of tax increment generated by the District in any given year, the Captured Assessed Value of the District must be multiplied by the sum of the tax rates for all applicable taxing jurisdictions for that year. For taxes levied in 2014 and payable in 2014, the applicable rate is 95.865 mills as shown below. The State of Kansas rate of 1.5 mills and the statewide education levy of 20 mills are not applicable to TIF and have been omitted from the following total:

<u>Jurisdiction</u>	<u>Mill Rate (2014)</u>
City of Wichita	32.652
Sedgwick County	29.478
USD No. 259	<u>33.735</u>
TIF-Applicable Mill Rate	<u>95.865</u>

**Projected Property Tax Increment and Other Project Revenue**

The projected property tax increment for Project Area 1 generated by the District is shown in column 8 of Exhibit III. Such projections are based on captured assessed values derived from captured assessed valuations and tax rates as previously discussed. It is assumed that Project construction will begin in 2015 and be completed before the end of 2019, and therefor achieve full valuation by January 1, 2020. It is estimated that in 2020 the property tax increment will be \$124,372.

All tax increment shall be allocated and paid by the Sedgwick County Treasurer to the City Treasurer in the same manner and at the same time as normal property taxes. All such incremental taxes must be deposited in a special fund of the City for the payment of eligible redevelopment costs.

**Projected Expenditures (Costs)**

A projected budget for the eligible TIF project costs in the Project Area 1 is listed below.

	Phase 1
Public Improvements	\$1,223,354
City Access Easement	<u>432,580</u>
	\$1,655,934

A project budget for the developer project costs and estimated increased assessed value within Project Area 1 is listed below:

**Estimated Increased Assessed Value as of January 1, 2020 for Project Area 1: \$1,297,365.**

**Estimated TIF revenues to be generated within Project Area 1 over the 20 year period: \$2,475,990.**

All eligible project costs will be financed by the Developer and reimbursed by the City, as TIF revenue is available. TIF revenues will be used to reimburse the Developer for eligible TIF related project costs, to the extent TIF funds are available. No bonds will be issued with this project.

**Conclusions**

Kansas Statutes require that the Comprehensive Financial Feasibility Study must demonstrate that the benefits derived from the Project will exceed the costs, and that the income therefrom will be sufficient to pay for all eligible project costs. As previously discussed, Exhibit III illustrates the projections of tax increment through the year 2033. TIF revenue will be used on a pay-as-you-go basis, no TIF bonds will be used to finance eligible expenses.

All TIF eligible expenses will be financed by the Developer and reimbursed on a pay-as-you-go basis, as revenue becomes available. As such, this report demonstrates that the revenues (benefits) of the District and Project Area exceed the expenditures (costs). It is contemplated that any revenues that exceed the projected revenues can be used to pay unreimbursed TIF eligible expenditures.

EXHIBIT I

SCHEDULE I

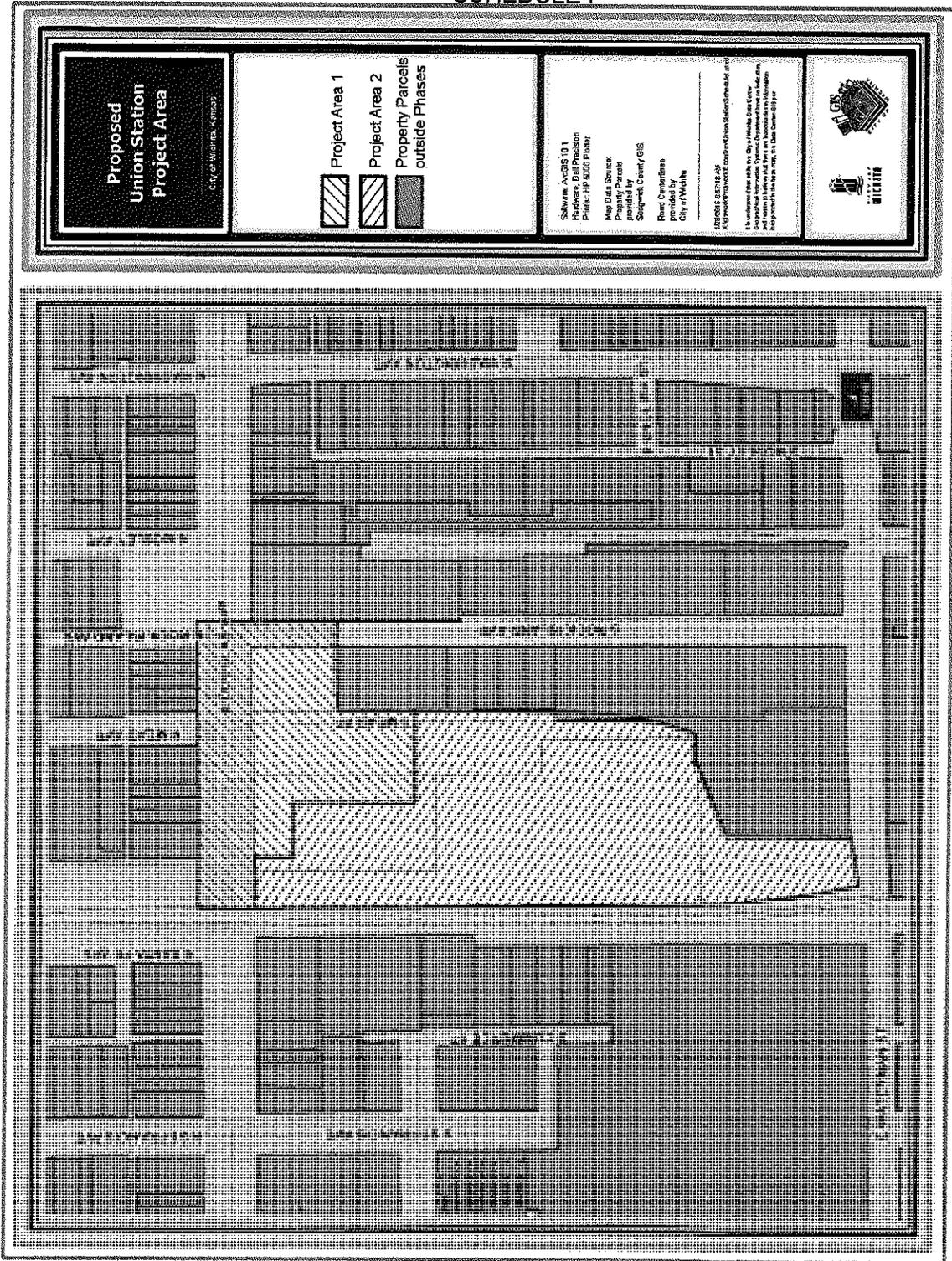


EXHIBIT II

Assumptions Report

City of Wichita, Kansas  
 Union Station Redevelopment District  
 Union Station Project

Description of Project Area	See Map (Exhibit I)	
	Total	Project Area 1
Original Appraised Value (1/1/14)	\$1,500,000	\$593,970
Original Assessed Value (1/1/14)	375,000	\$148,493
2020 Appraised Value (1/1/20)	\$46,064,600	\$5,783,431
2020 Assessed Value (1/1/20)	\$11,516,150	\$1,445,858

<u>2013 Mill Rates (2014 Pay)</u>	TIF	
	<u>Total</u>	<u>Applicable</u>
City of Wichita	32.652	32.652
Sedgwick County	29.478	29.478
USD No. 259	53.735	33.735
State of Kansas	1.500	NA
Total	117.365	95.865

Property Value Inflation Rate            2%

EXHIBIT III

City of Wichita, Kansas  
 Union Station Redevelopment District  
 Union Station Project

Levy & Appraised Year (1)	Year Taxes Distributed (2)	Total Assessed Value (3)	Original Assessed Value (4)	Captured Assessed Value (5)	Net Increment (6)	Mill Rate (7)	Projected Tax Increment (8)
2015	2016	\$ -	\$ 148,493	\$ -	\$ -	95.865	
2016	2017	\$ 528,377	\$ 148,493	\$ 379,885	\$ 379,885	95.865	\$ 36,417.64
2017	2018	\$ 857,305	\$ 148,493	\$ 708,813	\$ 708,813	95.865	\$ 67,950.31
2018	2019	\$ 1,061,498	\$ 148,493	\$ 913,006	\$ 913,006	95.865	\$ 87,525.31
2019	2020	\$ 1,198,247	\$ 148,493	\$ 1,049,754	\$ 1,049,754	95.865	\$ 100,634.67
2020	2021	\$ 1,445,858	\$ 148,493	\$ 1,297,365	\$ 1,297,365	95.865	\$ 124,371.93
2021	2022	\$ 1,474,775	\$ 148,493	\$ 1,326,282	\$ 1,326,282	95.865	\$ 127,144.07
2022	2023	\$ 1,504,270	\$ 148,493	\$ 1,355,778	\$ 1,355,778	95.865	\$ 129,971.66
2023	2024	\$ 1,534,356	\$ 148,493	\$ 1,385,863	\$ 1,385,863	95.865	\$ 132,855.80
2024	2025	\$ 1,565,043	\$ 148,493	\$ 1,416,551	\$ 1,416,551	95.865	\$ 135,797.62
2025	2026	\$ 1,596,344	\$ 148,493	\$ 1,447,851	\$ 1,447,851	95.865	\$ 138,798.27
2026	2027	\$ 1,628,271	\$ 148,493	\$ 1,479,778	\$ 1,479,778	95.865	\$ 141,858.94
2027	2028	\$ 1,660,836	\$ 148,493	\$ 1,512,344	\$ 1,512,344	95.865	\$ 144,980.83
2028	2029	\$ 1,694,053	\$ 148,493	\$ 1,545,560	\$ 1,545,560	95.865	\$ 148,165.15
2029	2030	\$ 1,727,934	\$ 148,493	\$ 1,579,441	\$ 1,579,441	95.865	\$ 151,413.16
2030	2031	\$ 1,762,493	\$ 148,493	\$ 1,614,000	\$ 1,614,000	95.865	\$ 154,726.12
2031	2032	\$ 1,797,742	\$ 148,493	\$ 1,649,250	\$ 1,649,250	95.865	\$ 158,105.35
2032	2033	\$ 1,833,697	\$ 148,493	\$ 1,685,205	\$ 1,685,205	95.865	\$ 161,552.16
2033	2034	\$ 1,870,371	\$ 148,493	\$ 1,721,879	\$ 1,721,879	95.865	\$ 165,067.91
2034	2035	\$ 1,907,779	\$ 148,493	\$ 1,759,286	\$ 1,759,286	95.865	\$ 168,653.97
							\$ 2,475,990.88